

103
USE OF TEMPORARY EMPLOYEES IN
THE FEDERAL GOVERNMENT

Y4.P84/10:
103-14

ARING
BEFORE THE
SUBCOMMITTEE ON THE CIVIL SERVICE
OF THE
COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS
FIRST SESSION

JUNE 22, 1993

Serial No. 103-14

Printed for the use of the Committee on Post Office and Civil Service



JUN 24 1994

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*CHIEF DIRECTOR OF DOCUMENTS
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USE OF TEMPORARY EMPLOYEES IN THE FEDERAL GOVERNMENT

TUESDAY, JUNE 22, 1993

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE CIVIL SERVICE,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m., in room 311, Cannon House Office Building, Hon. Frank McCloskey (chairman of the subcommittee) presiding.

Members present: Representatives McCloskey and Morella.

Mr. MCCLOSKEY. Good morning. The hearing will come to order.

The blatant abuse of temporary employees in Federal agencies is one of the most disturbing occurrences I have encountered during my time in Government. Temporary employees should not be forced to endure sweatshop conditions, low wages, no rights, and no benefits.

For the past 4 years I, along with Congressman Kanjorski who served as chairman of the Subcommittee on Human Resources, have been committed to addressing this problem.

Also leading off our hearing this morning will be Patsy Mink, who has been working this issue fiercely and constantly for several years now.

Prior to my becoming chairman of the Subcommittee on Civil Service, I introduced legislation that would have provided permanent position benefits to long-term temporary employees. During consideration of the Department of Defense authorization bill last year, I attached an amendment that would have provided permanent position benefits to long-term Department of Defense temporary employees. This amendment passed the House.

However, during conference, the language was changed to require the Office of Personnel Management, OPM, to submit a report on providing rights and benefits to temporary employees who had been employed for an extended period of time. This report was submitted to Congress this past April and is the subject of this hearing.

Once I announced that I was conducting this hearing, my office received numerous calls from temporary Federal employees. My staff spoke with employees who had worked as long as 13 years with a Federal agency in a temporary capacity—I might say in my experience in southern Indiana, people more or less worked constantly in temporary positions, particularly Mr. King, for 18 years or more.

Other employees said they had been hired with the understanding that they were to become permanent employees. These workers do not receive one single benefit—not health insurance, not life insurance, not retirement, nor statutory appeals rights. These workers are left helpless to plan for their future and have no job security. It is obvious these positions are not temporary.

OPM regulations leave endless possibilities for the manipulation of temporary workers. Agencies can easily circumvent OPM's regulations by switching temporary employees from job to job or terminating employees and rehiring them later. This break in service discontinues their work record; thus, their time as a temporary employee will start over with each successive position.

The OPM report is a first step toward addressing the abuses of temporary employees, and OPM has taken a number of actions that were outlined in the report. By proposing that agencies limit temporary appointments to a total of 2 years, meaning a not-to-exceed [NTE] 1-year appointment that could only be renewed once, whereas now an NTE 1-year appointment can be renewed up to 4 years, OPM will eliminate some of the problems with temporaries.

While I support these measures, I feel that more needs to be done, particularly in terms of health insurance for temporary employees. The General Accounting Office [GAO] has found that private employers offer a better benefits package to temporary workers—generally offering the opportunity to enroll in both health and life insurance programs after 6 months of employment. Federal temporary employees are not eligible to purchase health insurance until they have 1 year of service with no break in service of more than 3 days.

Furthermore, there needs to be better access for all temporary employees, not just term employees, to apply for permanent positions within the Federal Government. It is simply unfair that after years of employment a temporary applying for a permanent position job is no better off than someone off of the street applying for a permanent job. Agencies could save large sums of money on education and training by hiring more temporary employees for permanent positions.

Finally, there needs to be strong leadership from OPM—and I am hopeful and I am sure we can get this—to inform agencies that they can no longer abuse temporary employees. Temporary workers deserve to be employed in a fair, decent, and honest workplace. The fact that a temporary worker has been employed for 20 years without any rights is heinous and must not be allowed to continue.

I do not ask that every temporary worker receive full benefits. I well understand that, in some cases, it is cost-effective to use temporary employees. In light of the recent base closures, I expect the demand for temporary employees to increase. But I stress that temporary employees should only be used for temporary work.

Some of today's witnesses will not present a flattering picture of temporary employment in the Federal Government. There is a dire need for reform. Whether through legislation or administrative review, this problem must be addressed.

I welcome today's witnesses, particularly Ms. Mink, Mr. King, and our Federal representatives. I look forward to their testimony.

[The prepared statement of Hon. Frank McCloskey follows:]

PREPARED STATEMENT OF HON. FRANK MCCLOSKEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

The Blatant abuse of temporary employees in Federal agencies is one of the most disturbing occurrences that I have encountered during my time in Government. Temporary employees should not be forced to ensure sweatshop conditions—low wages, no rights, and no benefits. Over the past few years, I, along with Congressman Kanjorski who served as chairman of the Subcommittee on Human Resources, have been committed to addressing this problem.

Prior to my becoming chairman of the Subcommittee on Civil Service, I introduced legislation that would have provided permanent position benefits to long-term temporary employees. During consideration of the Department of Defense authorization bill for FY 1993, I attached an amendment that would have provided permanent position benefits to long-term Department of Defense temporary employees. This amendment passed the House. However, during conference, the language was changed to require the Office of Personnel Management [OPM] to submit a report on providing rights and benefits to temporary employees who had been employed for an extended period of time. This report was submitted to Congress this past April and is the subject of this hearing.

Once I announced that I was conducting this hearing, my office received numerous calls from temporary Federal employees. My staff spoke with employees who had worked as long as 13 years with a Federal agency in a "temporary" capacity and other employees who said they had been hired with the understanding that they were to become permanent employees. These workers do not receive one single benefit—not health insurance, not life insurance, not retirement, nor statutory appeals rights. These workers are left helpless to plan for their future and have no job security. It is obvious these positions are not temporary.

OPM regulations leave endless possibilities for the manipulation of temporary workers. Agencies can easily circumvent OPM's regulations by switching temporary employees from job to job, or terminating employees and rehiring them later. This break in service discontinues their work record; thus, their time as a temporary employee will start over with each successive position.

The OPM report is a first step toward addressing the abuses of temporary employees, and OPM has taken a number of actions that were outlined in the report. By proposing that agencies limit temporary appointments to a total of 2 years, meaning a not-to-exceed [NTE] 1-year appointment could only be renewed once, whereas now an NTE 1-year appointment can be renewed up to 4 years, OPM will eliminate some of the problems with temporaries.

While I support these measures, I feel that more needs to be done, particularly in terms of health insurance for temporary employees. The General Accounting Office [GAO] has found that private employees offer a better benefits package to temporary workers—generally offering the opportunity to enroll in both health and life insurance programs after 6 months of employment. Federal temporary employees are not eligible for health insurance until they have 1 year of service with no break in service of more than 3 days.

Furthermore, there needs to be better access for all temporary employees, not just term employees, to apply for permanent positions within the Federal Government. It is simply unfair that after years of employment, a temporary applying for a permanent position job is no better off than someone off of the street applying for a job. Agencies could save large sums of money on education and training by hiring more temporary employees for permanent positions.

Finally, there needs to be strong leadership from OPM to inform agencies that they can no longer abuse temporary employees. Temporary workers deserve to be employed in a fair, decent, and honest workplace. The fact that a temporary worker has been employed for 20 years without any rights is heinous, and must not be allowed to continue.

I do not ask that every temporary worker receive full benefits. I well understand that, in some cases, it is cost-effective to use temporary employees. In light of the recent base closures, I expect the demand for temporary employees to increase. But I stress that temporary employees should only be used for temporary work.

Some of today's witnesses will not present a flattering picture of temporary employment in the Federal Government. There is a dire need for reform—whether through legislation or administrative review, this problem must be addressed.

I welcome today's witnesses, and look forward to their testimony.

Mr. McCLOSKEY. Patsy, I thank you for all your efforts on this. I look forward to hearing from you right now. Your full statement

is included in the record. You are more than welcome to come after up afterward and participate in the hearing. Please proceed.

STATEMENT OF THE HON. PATSY T. MINK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mrs. MINK. Thank you very much, Mr. Chairman. I commend you for your tenacity on this issue that we have worked on for a number of years.

As you know, I am author of a bill and so are you that directs attention to this enormous problem.

The report that has been produced by the Office of Personnel Management is a starter, and I think we can look to it for the discussion and further investigation of a number of options. But I am here today to bring attention to the Congress of this very disturbing practice which has systematically denied Federal workers classified as temporary or seasonal access to Government health care.

The reason why I feel that this issue is particularly pertinent now is because we are discussing comprehensive national health reform while we as a matter of policy have been perpetuating a systematic denial of health care coverage to workers who have been making great contributions in a wide variety of occupations throughout the Federal system.

So whatever may be the result of the health care reform, it seems to me we ought to take care of the problems within the Federal Government first as an example of a real intent on the part of the Federal Government to correct itself, to be a role model, in essence, and to set the example.

The chair is absolutely correct that the report that we have just received a copy of indicates that in the private sector they are doing far better than we are in the Federal Government in dealing with the temporary workers and availing them of the specific opportunities and perquisites of their employment. So while we are discussing the 37 million Americans without health care coverage it is very, very important that the Congress recognize that there may be 100,000 or 200,000 individuals within the Federal service who in any description should be entitled to at least the very minimum of health coverage as well as all the other points the chair has made.

I came across this issue because of a Park Service employee who pointed out to me the desperate conditions under which he worked. He had a family with a number of children, his spouse did not work, and he wanted very much to stay in his employment at the Park Service. And yet he felt in grave jeopardy every day because he was not given the opportunity for health care coverage.

After raising this issue, Mr. Chairman, with the Park Service in my district, I have a letter which I would like to attach at this point in the record.

[The information referred to appears on page 8.]

Mrs. MINK. This is from the Pacific Area National Park Service, and says there are 69 temporary employees and that the condition is very severe, and he would wish that somehow the opportunities for health benefits at least could be accorded.

And for Hawaii it is absolutely an anomaly to regard these people as seasonal. We don't have seasons. Everybody works the full

365 days of the calendar year. Everybody works except for this artificial device of laying them off so that they can continue under the definition of a temporary.

My intent is not to alter the definition of what is a temporary. I don't think we want to get into that administrative situation. What we are attempting to do is say, whatever your definitions are of temporary, if they are there in their employ, even though not continuous for the 365 days for the year, that they ought to be offered the opportunity to purchase health care benefits.

The comment that I received from the Office of Personnel Management—when asked the question, they said, well, this practice is not being entered into with the deliberate design to deny people health benefits because, obviously, under the current requirements that employee, because he or she is temporary, would have to pay 100 percent of the health benefits. So, obviously, it is not a cost factor.

So my question immediately is, if it is not a cost factor to the government why not open up the opportunities for these employees immediately to at least purchase health coverage for themselves and their families? That is the minimum good will that the government ought to extend to these workers who extend their employment beyond a year, even though it may not be consecutive.

My bill goes beyond that, Mr. Chairman. I understand you do not have jurisdiction to report the bill out, but my bill goes beyond that because it accords these temporary workers not the privilege of buying at 100 percent personal cost but at the same formula under which all Government employees are given an opportunity to purchase health benefits.

I think that that is the employment justice and equity that we ought to be seeking for these employees.

Mr. MCCLOSKEY. At what point in the process would they have equal coverage?

Mrs. MINK. One year, regardless of whether it is continuous or not. They ought to be given the opportunity to buy in at 100 percent cost for starters. I see no reason, given what the position is of the Office of Personnel Management that it is not a cost factor. So what is it that presents a barrier? We are not saying when you buy into health benefits you automatically are not considered temporary. We are not altering that definition at all.

So for whatever bookkeeping, auditing, statutory requirements there may be, that temporary status would continue. All I think as a matter of fairness and justice is for the Government to immediately rectify this egregious offense to workers who contribute so much to our Nation's employment situation.

That is basically the point I wanted to make today, that there is an immediate remedy. My bill goes beyond that. It requires a cost factor equivalent to what employees now enjoy if they are on a permanent, full-time basis.

But the remedy that so many of them have spoken to me about, which they want immediately, is the opportunity to have coverage immediately. And as the Director of the Park Service said to me in his letter, which I want to leave for the committee, is that the opportunity to buy it through the Government would be of consid-

erable savings to that employee rather than buying it out on the market as an individual family.

I thank you very much for giving me this opportunity to be here today and to vent my anxiety about the disadvantage that so many of these constituents have in my district.

Mr. MCCLOSKEY. Thank you, Patsy.

[The prepared statement of Hon. Patsy T. Mink follows:]

**PREPARED STATEMENT OF HON. PATSY T. MINK, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF HAWAII**

Mr. Chair and members of the Civil Service Subcommittee, I am pleased to participate in this hearing on the role of temporary Federal employees and to discuss ways we can assure that this important segment of our Federal workforce is treated in a fair and equitable manner.

I commend the chair of his leadership on the issue of equity and fairness for temporary federal workers. I was pleased to work with the chair on his amendment last year to the Department of Defense Authorization bill, which was the genesis of the Office of Personnel Management (OPM) study, "The Rights and Benefits of Temporary Employees in the Federal Government," currently under review by this Subcommittee.

I am here today to bring to the attention of this Subcommittee a very disturbing practice, which has systematically denied Federal workers classified as "temporary" or "seasonal" access to government health care insurance.

Mr. Chair, at a time when we are in the midst of a national debate on health care reform and the Administration and Congress are grappling with ideas on how to expand access and reduce costs of health care in this nation, I find it extremely appalling that Federal agencies are engaged in a practice which prevents temporary workers access to the federal health care insurance program.

The result is that an untold number of our own Federal employees are among the 37 million Americans without any health insurance coverage.

According to the OPM a "temporary" or "seasonal" worker is eligible to participate in the Federal Employee Health Benefits (FEHB) Program once they have completed 1 year of current continuous employment, excluding any break in service of 5 days or less.

However, managers have been able to circumvent this requirement for health benefits by terminating temporary workers just short of the consecutive year period necessary to qualify them for benefits, and then rehire these same employees shortly thereafter to resume their positions without eligibility for Federal benefits.

In other words, managers will terminate a temporary employee when he/she is just six days shy of reaching the one-year threshold that qualifies them for health benefits, and then rehires this employee after a six-day period. Thereby denying the employee the full 1-year of continuous service in order to qualify for health benefits.

Mr. Chair, this is an abusive practice that violates the most basic principles of fairness and decency in our society.

I have many Federal workers in my district who are victims of this kind of abuse, working for over a decade for the Federal government, yet consistently denied their rightful benefits.

One particularly egregious example involves a "temporary" employee who has been working for the Federal government on a full-time basis since 1986. Her job entails fire fighting, scuba diving, helicopter operations, mountaineering, rock climbing, and search and rescue operations. However, despite the fact that she has been with the Federal government for 6 years and engages in often hazardous activities because of the nature of her job, she has been denied health benefits under the federal system.

Others have worked for the Federal government for 10 or 15 years—every year faced with the choice of losing their job or going along with a practice which denies them the health care benefits they rightfully deserve.

The OPM denies that this practice exists. Attached to my testimony is a copy of a letter I received from OPM in January of 1992, stating that they cannot find any evidence that this practice exists. I might also note that although the issue of health care benefits for temporary employees was included in the April 1993 report by OPM on the rights and benefits of temporary employees, this specific practice of deliberately denying health care coverage was not addressed.

The OPM contends that because temporary employees who do become eligible for health care coverage by working continuously for more than 1 year are required to

pay 100 percent of the health insurance premium, there is no incentive for Federal agencies to deliberately deny health insurance.

However, there may be other incentives for this type of practice, including ceilings on permanent workers and costs of other benefits, such as life insurance and retirement. And the fact is that through this practice of systematic laying-off and rehiring of temporary workers, agencies have employed individuals for many years on a so-called "temporary" basis, without fulfilling their obligation to provide health insurance benefits.

To eliminate this loophole in the law that allows the federal government to deny access to health care insurance, I introduced H.R. 98, which requires that Federal employees categorized as "temporary" receive health benefits equivalent to a permanent employee, once they have completed a total of 1 year (non-consecutive) of service in the same position within the preceding 2 years. It is important to note that the 1 year of service required under my bill does not have to be continuous service, but simply a total of 1 year of employment with the Federal government.

As there is a high percentage of women in the temporary federal workforce, my bill, H.R. 98, has been included in the Women's Economic Equity Act. this legislation which will be introduced by the Congressional Caucus for Women's Issues in July is a compilation of bills that seek to promote equity and fairness in the workplace for women.

Mr. Chair, I realize that this Subcommittee does not have specific jurisdiction over my bill—it has been referred to the Subcommittee on Compensation and Employee Benefits. However, as this Subcommittee looks at the role of temporary workers in the Federal government, this egregious violation by the Federal government in denying its own employees the health benefits they have rightfully earned cannot be overlooked.

It is the moral responsibility of the Federal government to assure our workers fair and equitable treatment, whether they are temporary or full-time employees. And I urge this Subcommittee to seriously consider H.R. 98 and other legislation to help assure that the hard working men and women who provide dedicated service to the Federal government receive the benefits they so rightfully deserve.

Thank you for the opportunity to bring this issue before you today; I will be happy to answer any questions.



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

OFFICE OF THE DIRECTOR

13

Honorable Patsy T. Mink
United States House of Representatives
Washington, DC 20515-1102

Dear Representative Mink:

We have gathered the information on the Federal Employees Health Benefits Program (FEHBP) that you requested in your letter dated January 24, 1992. The information constitutes our best estimates based on 1991 data.

The total cost of health insurance coverage under the FEHBP for 1,742,282 non-Postal and 687,108 Postal active employees in 1991 was \$8,021 million. The Government paid \$6,284 million and employees contributed \$1,737 million of this amount.

The remainder of the numbers are based on a combination of data from the Central Personnel Data File (CPDF) and reports from the United States Postal Service (USPS). These sources undercount the actual enrollment by about 10 percent. This is partly due to the fact that certain groups, such as the legislative branch and the CIA, do not contribute data to the CPDF. Also, the data from the USPS shows no ineligible employees. We are providing the most accurate estimates possible. Currently, we are requesting new data from the USPS and will notify you if this data changes our estimates. The enclosed Tables provide categorical breakdowns.

Temporary employees who become eligible for coverage by working continuously for more than 1 year are required to pay 100 percent of the premium. Therefore, there would be no incentive for the agencies to deliberately drop temporary employees to circumvent coverage since they do not cost the agency premium dollars. We have no data that would show temporaries being deliberately dropped.

The definitions of covered individuals are established by Title 5, U.S.C., Chapter 89 § 8901(1). Under the regulatory authority given OPM in § 8913, we have published implementing regulations in 5 C.F.R. 890.102. Additional guidance is provided in the Federal Personnel Manual Subchapter 84 (FPM Supplement 890-1). We have enclosed a copy for your convenience. As you will note in these materials, many employees are eligible for FEHB coverage immediately.

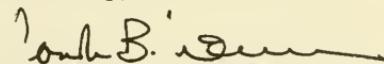
Honorable Patsy T. Mink

We estimate that it would cost \$756 million a year to cover currently ineligible workers, including eligibles in the full-time, part-time and seasonal categories. The Government's share of the cost would be \$578 million per year. We have not included in this estimate those temporary employees who are now eligible for coverage under FEHBP but do not now receive a Government contribution.

It would cost the Government an additional \$127 million per year to cover full-time temporaries. Covering part-time temporaries with a contribution in the same way as part-time permanent employees would cost the Government an additional \$236 million per year. These amounts include both currently eligible and currently ineligible temporary employees.

Thank you very much for your interest. Please let me know if I may be of further assistance.

Sincerely,


Constance Berry Newman
Director

Enclosures

TABLE A
(millions)

Contributions	Non-Postal	Postal	Total Actives
Government	\$4,045	\$2,239	\$6,284
Employee	\$1,489	\$248	\$1,737
Total	\$5,534	\$2,487	\$8,021

TABLE B
(All Employees)

Categories	Population
Eligibles Participating	2,429,390
Eligibles Waived	530,205
InEligibles	285,876
Total	3,245,471

TABLE C
(Total Temporaries)

Categories	Full-Time	Part-Time	Total
Eligibles Participating	35,921	4,878	40,799
Eligibles Waived	39,208	30,653	69,861
InEligibles	68,527	144,080	212,607
Total	143,656	179,611	323,267

Subchapter S4. Coverage

S4-1. EMPLOYEES COVERED

a. **General.** All employees except those excluded by law or regulation are covered.

b. **Cooperative employees.** Employees not excluded by law or regulation who serve in cooperation with non-Federal agencies and who are paid in whole or in part from non-Federal funds (such as certain employees of the Agriculture Extension Service) are covered by the law, provided arrangements for withholdings and contributions are approved by OPM. In such cases, withholdings and contributions must be made from Federally-controlled funds and must be timely paid, or the cooperating non-Federal agency must agree in writing with the Federal agency concerned to make and timely remit the required withholdings and contributions from non-Federal funds.

c. **Agricultural Stabilization and Conservation County Committee employees.** Unless excluded by regulation, persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act are eligible for coverage under the program.

d. **Employees transferred to public international organizations.** An employee who transfers, under the Federal Employees International Organization Service Act, to a public international organization may elect to retain coverage, provided all necessary withholdings and contributions during the service with the international organization are currently paid. Instructions on such transfers appear in FPM Chapter 352, Reemployment Rights.

e. **U.S. commissioners.** Any United States commissioner is eligible for health benefits coverage if he or she is subject to the Civil Service Retirement law or the Federal Employees Retirement law.

S4-2. EXCLUSION BY LAW

a. **Individuals first employed by the District of Columbia Government on or after October 1, 1987.** Public Law 99-335 specifically excluded these in-

dividuals from participation in the FEHB Program. However, as provided by Public Law 98-621, enacted on November 8, 1984, this exclusion does not apply to employees of St. Elizabeth's Hospital who accept offers of employment with the District of Columbia government without a break in service.

b. **Non-Federal employees.** Public Law 100-238 excludes all non-Federal employees hired on or after October 1, 1988, who would have been entitled to FEHB benefits under a provision of law other than Chapter 89 of title 5, United States Code.

c. **Members of a "uniformed service" as defined in section 1072 of title 10, United States Code.** The effect of this exclusion is that no person can acquire coverage by virtue of status as a member of a uniformed service. For this purpose, "member of a uniformed service" means a person appointed, enlisted, or inducted in a component of the Army, Navy, Air Force, Marine Corps, or Coast Guard (including a reserve component, but excluding a temporary member of the Coast Guard Reserve), or in one of these services without specification of component; a commissioned officer of the Environmental Science Services Administration or of the regular or Reserve Corps of the Public Health Service, and any person serving in the Army or Air Force under call or conscription.

d. **Noncitizen employees whose permanent duty station is located outside a State of the United States or the District of Columbia.** This excludes non-citizen employees in foreign countries, in Puerto Rico, and possessions of the United States. Temporary assignment to duty within the United States does not confer coverage upon such excluded employees.

e. **Employees of the Tennessee Valley Authority.** These employees are covered by other health benefits programs.

f. **Employees in any corporation under the supervision of the Farm Credit Administration if any member of the board of directors of such corporation is elected or appointed by private interests.** The corporations affected are Regional Banks for

FEDERAL EMPLOYEES HEALTH BENEFITS

Cooperatives, Federal Intermediate Credit Banks, Federal Land Banks, Production Credit Corporations, and the Central Bank for Cooperatives.

S4-3. EXCLUSION BY REGULATION

a. Employees serving under appointments limited to one year or less, except acting postmasters and Presidential appointees appointed to fill unexpired terms. The type of appointment governs in each instance. A series of appointments and extensions limited to one year or less does not confer eligibility. However, Public Law 88-631, approved October 6, 1964, provides that no teacher in the employ of the Board of Education of the District of Columbia, whose pay is established by section 1 of the District of Columbia Teachers' Salary Act of 1955 (69 Stat. 521), as amended (sec. 31-1501, D.C. Code, 1961 edition), shall be excluded on the basis of the fact that the teacher is serving under a temporary appointment if the teacher has been so employed by the board for a period or periods totaling no less than two school years (see subsection S4-2(a)).

b. Employees whose employment is of uncertain or purely temporary duration, or who are employed for brief periods at intervals, and employees who are expected to work less than six months in each year, except an employee who is employed under an OPM approved career-related work-study program under Schedule B of at least 1 year's duration and who is expected to be in a pay status for at least one-third of the total period of time from the date of the first appointment to the completion of the work-study program. This applies to seasonal, emergency, student trainee, and other employees for whom there is no definite expectation of immediate substantial employment. The main criterion is whether or not the employee's probable period of service will amount to at least six months each year. A student trainee, however, who is serving under a formal career-related work-study program is eligible for health benefits if it is expected that he or she will be in a pay status for at least one-third of the total period of time from the date of first appointment to the completion of the work-study program.

c. Intermittent employees—nonfull-time employees without a rearranged regular tour of duty. A regular tour of duty exists only if there has

been an administrative determination in advance, prescribing as a definite work schedule a certain number of hours or other time units in a day, week, month, or year. An employee may work full time for short periods without having a regular tour of duty for health benefits purposes.

d. Employees whose pay on an annual basis is \$350 a year or less. This excludes employees serving without compensation or at pay which would be too small to justify withholdings and contributions.

e. Beneficiary or patient employees in Government hospitals or homes. This refers to any beneficiary and patient employees of the United States Soldier's and Airmen's Home, the Veterans Administration, and other United States facilities. It does not apply to persons such as trainees, nurses, interns, and others who are regularly employed and who may reside on the premises.

f. Individuals paid on a contract or fee basis, except employees who are citizens of the United States who are appointed by contracts between the employees and the Federal employing authority which require their personal services and are paid on the basis of units of time. This exclusion applies to persons who are employees of a contractor or who obtain a contract to deliver an end product such as a report, or furnish a particular service which may or may not require their personal services or which may or may not be performed under the supervision of a Federal officer, or who are paid a stipulated fee for the finished product or service. A citizen employee appointed or reappointed on or after July 1, 1967, by a contract between the employee and a Federal employer which has statutory authority to appoint by contract, which requires his or her personal service, who is paid on the basis of units of time, and who is a Federal employee in every respect is not excluded from coverage.

g: Employees paid on a piecework basis except those whose work schedule provides for regular or full-time service or for part-time service with a regular tour of duty. Generally, pieceworkers are excluded; however, part-time pieceworkers with a regular tour of duty, and regular or full-time pieceworkers such as certain employees of the United States Capitol folding rooms and garment sewers in certain naval establishments are not excluded by this provision.

S4-4. CONTINUING COVERAGE IN CERTAIN EXCLUDED POSITIONS

An employee who is already enrolled in a plan under this program and who transfers to, or whose employment status changes so that he or she oc-

cuples, a position under which he or she would normally be excluded from coverage by paragraph a, b, or c of section S4-3, continues the enrollment in the new position provided there was not a break in service of more than three calendar days, unless the person is excluded by paragraphs d through g of section S4-3.

103D CONGRESS
1ST SESSION

H. R. 98

To amend title 5, United States Code, to provide that any Federal employee serving under a temporary appointment who has completed at least 1 year of service in such position within the preceding 2 years shall be eligible for the Government's health benefits program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mrs. MINK introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 5, United States Code, to provide that any Federal employee serving under a temporary appointment who has completed at least 1 year of service in such position within the preceding 2 years shall be eligible for the Government's health benefits program, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 **SECTION 1. ELIGIBILITY FOR HEALTH BENEFITS.**
- 4 (a) IN GENERAL.—Paragraph (4) of section 8913(b)
- 5 of title 5, United States Code, is amended to read as fol-
- 6 lows:

1 “(4) an employee who is occupying a position
2 on a temporary basis, if such employee has, in the
3 aggregate, completed the equivalent of at least 1
4 year of service in such position within the preceding
5 2 years.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
7 (1) Section 8906a of title 5, United States Code, is re-
8 pealed.

9 (2) The table of sections for chapter 89 of title 5,
10 United States Code, is amended by striking the item relat-
11 ing to section 8906a.

12 **SEC. 2. EFFECTIVE DATE.**

13 (a) IN GENERAL.—This Act and the amendments
14 made by this Act shall take effect on the date of the enact-
15 ment of this Act, and any change in contributions payable
16 by or on behalf of an individual to the Employees Health
17 Benefits Fund (described in section 8909 of title 5, United
18 States Code) as a result of the enactment of this Act shall
19 take effect as of the first applicable pay period beginning
20 on or after such date.

21 (b) CREDITABILITY OF PRIOR SERVICE.—Service
22 performed before the effective date of this Act may be
23 taken into account for purposes of the amendment made
24 by section 1(a).

Mr. MCCLOSKEY. I might say I agree 100 percent as to everything you said. We have identical concerns as a matter of common sense.

I know in my own district, around Crane, I remember talking to a lady making \$13,000 to \$14,000 a year who had been at Crane for years, and had health care problems in the family. She had a right to buy in, but I forget the exact dollars. If she wanted to pay 100 percent of coverage it would have been \$500 or \$600. And trying to keep several kids in high school, she didn't buy in.

It is just a terrible stress we put Federal employees. So I appreciate what you are doing.

As I have said, Mr. King is here. You are welcome to come up, Patsy. I know all of us will have questions.

Mrs. MINK. Thank you.

Mr. MCCLOSKEY. Ms. Morella, good to see you, Connie.

Ms. MORELLA. I don't have a formal statement, but I want to commend you for having this very important subcommittee meeting on temporary employees.

I certainly am surprised to learn that as many as 157,000, or 7.2 percent of our Federal employee population fell into that category of temporary employees, and certainly, as a minimum, that means that a great many of those employees and their immediate families don't, as has been brought out, have any health insurance coverage and job security at a minimum. Think of what that does to morale, productivity, if you want to add that as a cost factor.

I also want to recognize Dr. King's role as Director of the Office of Personnel Management. His statement and testimony demonstrates real compassion for employees.

I have got to throw accolades to my colleague, Congresswoman Mink, for her leadership in this area. I know she is a leader on the Education and Labor Committee, and she is the chair of the task force of the Congressional Caucus for Women's Issues that deals with workplace policies. I look forward to working with you, Patsy, on your bill. I appreciate the compassion that you have shown and look forward to hearing from the other witnesses.

Mrs. MINK. I would like to add that the bill I introduced is about to be included in the economic equity package that is to be sponsored by the Congressional Women's task Force. With that support, we are hoping to create momentum, Mr. Chairman, for its speedy enactment.

Ms. MORELLA. Thank you.

If I could have permission, Mr. Chairman, to put into the record an opening statement of our colleague, Dan Burton, who is not with us.

Mr. MCCLOSKEY. Without objection.

Ms. MORELLA. He has indicated his interest in this issue.

[Prepared statement of Hon. Dan Burton follows:]

PREPARED STATEMENT OF HON. DAN BURTON, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF INDIANA

Mr. Chairman, I want to thank you for holding this hearing on temporary Federal employees in this Federal Government. During the previous Congress, the Human Resources Subcommittee, on which I served as the ranking republican member, also looked into this issue. Now the Office of Personnel Management has completed a

thorough review of the laws and regulations pertaining to temporary employees. This should serve as a good starting point for discussions on a legislative response.

Temporary employees provide many important services to the American public. Yesterday Mr. Roger Archibald, who is here to testify this morning, sent me a magazine article he wrote about smokejumpers in the U.S. Forest Service. This sounds like difficult, but exciting, work. Obviously, there will continue to be a need for Federal agencies to hire temporary employees during peak work seasons.

It would be ideal if the Federal Government could afford to provide temporary employees with health insurance as well as all the other benefits which permanent Federal Employees now receive. But since budget constraints make this unlikely in the near future, I think we should focus on more feasible alternatives. One of the best things we can do for temporary employees is to increase their opportunities to compete for permanent positions in the Federal workforce when these become available. I think that a temporary employee who has done a good job should be eligible to compete for permanent Federal positions that currently are open only to permanent Federal employees.

OPM has prohibited agencies from refilling temporary positions when these positions have been occupied by temporary employees for four years. While I believe that we need to allow Federal agencies flexibility in accomplishing their missions, their comes a time when an agency needs to decide whether a full-time position is needed or whether the position should be eliminated.

I look forward to this morning's testimony, and I also look forward to working with you, Mr. Chairman, and my other colleagues to address the problems that are being brought before us today.

Mr. MCCLOSKEY. Just one question. Back at Crane we have had a couple cases—they are not totally common, but they have worked 18 to 21 years. What have been the extreme lengths of time in Federal service of temporaries you have encountered out in beautiful Hawaii?

Mrs. MINK. The one I recall was one in the Park Service for 14 years without health coverage.

Mr. MCCLOSKEY. Thank you very much. Join us if you can.

Mrs. MINK. Thank you very much.

Mr. MCCLOSKEY. Our next witness is a leader in the area, Hon. James B. King, Director of the Office of Personnel Management. If you would introduce your colleague, we will accept your statement for the record and look forward to what you have to say.

STATEMENT OF JAMES B. KING, DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT, ACCOMPANIED BY EDWARD McHUGH, CHIEF OF STAFFING POLICY

Mr. KING. Thank you, Mr. Chairman. My colleague from the OPM is Mr. Edward McHugh, Chief of Staffing Policy.

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you this morning to discuss the use of temporary employees in the Federal Government. As you know, OPM recently submitted a report to Congress on the rights and benefits of temporary employees. Specifically, Public Law 102-484 required us to report on the feasibility of providing to temporary employees the same rights and benefits that permanent employees generally have.

Currently, temporary employees—those whose noncompetitive employment is limited to 1 year or less—are excluded from the Government's retirement, health insurance, and life insurance programs. However, temporaries who have completed a year of continuous employment and whose jobs are renewed may enroll in our health benefits program provided that they pay both the employee's and the Government's share of that premium.

Also, temporary employees who get permanent jobs may, under certain conditions, receive retirement service credit for temporary employment before 1989 if they pay a deposit to the retirement fund. This provision does not apply to more recent temporary workers, as you know, Mr. Chairman, although temporary employees are covered by Social Security.

Another benefit that is available to career permanent employees but not to temporaries is the right to be considered for other positions through an agency's internal staffing procedures, without having to compete with outside applicants. Temporary employees are not eligible to apply for positions that are filled through internal merit promotion procedures and that are closed to applicants outside the Government. Therefore, they do not have the mobility that employees serving under the competitive permanent appointments enjoy.

The disparity in benefits for temporary employees is particularly troubling where we know that temporary appointments have been used inappropriately; that is, where employees remain in the work force for many years under temporary appointments that are continually renewed. This does not happen in a majority of the agencies that use temporary employees.

However, as you know, we have experienced particular problems in some of the land management agencies which, because of budget constraints and personnel ceilings, have felt compelled to employ, we are told, portions of their workers under temporary noncompetitive appointments that are renewed year after year.

It is clearly a misuse of the temporary appointing authority for an agency to keep an employee in its work force several years doing essentially the same work under a series of temporary appointments. More important, this practice thwarts the spirit of partnership that should be fostered between Federal workers and their employing agencies.

Worse yet, I believe what it does is it turns its back on the competitive service features that have been the backbone of our public service. The misuse of temporary appointments sends a very negative message to our work force that the Government wants the services of these workers as cheaply as it can get them with no investment in the employees' career development—if you will, public service sweatshops. This is not a message we ought to be sending to our public servants or to our public.

OPM is committed to doing its part to change this situation. First, we have already prohibited temporary positions from being refilled after they have been occupied for 4 years. But we would want to go further. We have proposed to agencies that work under noncompetitive temporary appointments be limited to a total of 2 years. In other words, a 1-year appointment could be renewed only one time.

We recognize that certain agencies such as the Department of Defense may face special circumstances, that is, long-term significant reductions that may require special treatment. We would like to maintain flexibility, Mr. Chairman, but we would still like to recognize that there have been abuses in the past and that we need to stop these abuses.

We are also encouraging agencies to use term appointments for longer lasting work that is not expected to be permanent. Term appointments are those with a time limit of more than 1 year but not more than 4 years, and we would like to extend the maximum duration of term appointments to 5 years without OPM approval and authorize longer term appointments with OPM approval. Employees serving under term appointments are entitled to retirement and insurance coverage.

In addition, we are considering seeking authority from the President to permit term employees who have completed a specific amount of service, perhaps 2 or 3 years, to be selected for permanent positions through merit promotion procedures. This would not require agencies to convert term employees to permanent status. It would merely enable term employees to apply for permanent vacancies and to be selected if they are found to be among the best qualified candidates within the agency.

In the April memorandum for Federal personnel directors, unions, and other employee organizations, we at OPM sought comments on these proposals as well as on the proposal to simplify and consolidate the numerous appointing authorities for temporary positions. We will be receiving comments through mid-July. At that point, we will proceed with the proposed regulations unless we encounter substantial opposition to this method of job placement.

On the question of benefits, it is clear that health insurance is a benefit most desired by all employees, including our temporaries, as well as one which is costly to provide. While we do not oppose benefits for temporary employs in principle, we believe the issue of health insurance coverage for temporary workers must and will be addressed in the context of the President's proposal for national health care reform. The issue of how to provide coverage cannot be separated from the question of how to pay for coverage.

Federal agencies often face difficult choices in attempting to reconcile their need to hire temporary workers with budgetary constraints that may make them unable to provide benefits for these workers.

We understand that both coverage of temporary employees and funding of that coverage will be addressed in a comprehensive way as part of the President's health care proposal. We believe that is the appropriate context in which to address the issue of benefits for temporary workers, at least the health care aspect.

In the meantime, the other changes we propose, which I have outlined here today, should go a long way toward eliminating the problems that have resulted from the inappropriate use of non-competitive temporary appointments.

Again, I appreciate the opportunity to assist the subcommittee in examining this important issue. I would surely be happy to respond to any questions you or the committee may have.

Mr. McCLOSKEY. Thank you very much, Mr. King.

[The prepared statement of Mr. King follows:]

**PREPARED STATEMENT OF JAMES B. KING, DIRECTOR, OFFICE OF PERSONNEL
MANAGEMENT**

Mr. Chairman and members of the subcommittee: I appreciate the opportunity to appear before you today to discuss the use of temporary employees in the Federal Government. As you know, OPM recently submitted a report to Congress on the

rights and benefits of temporary employees. Specifically, Public Law 102-484 required us to report on the feasibility of providing to temporary employees the same rights and benefits that permanent employees generally have.

Currently, temporary employees—those whose appointments are limited to 1 year or less—are excluded from the Government's retirement, health insurance, and life insurance programs. However, temporaries who have completed a year of continuous employment and whose appointments are renewed may enroll in our health benefits program, provided they pay both the employee's and the Government's share of the premium. Also, temporary employees who get permanent appointments may, under certain conditions, receive retirement service credit for temporary employment before 1989 if they pay a deposit to the retirement fund. This provision does not apply to more recent temporary service, although temporary employees are covered by Social Security.

Another benefit that is available to permanent employees but not to temporaries is the right to be considered for other positions through an agency's internal staffing procedures, without having to compete with outside applicants. Temporary employees are not eligible to apply for positions that are filled through internal merit promotion procedures and that are closed to applicants outside the Government. Therefore, they do not have the mobility that employees serving under permanent appointments enjoy.

The disparity in rights and benefits for temporary employees is particularly troubling where we know that temporary appointments have been used inappropriately; that is, where employees remain in the work force for many years under temporary appointments that are continually renewed. This does not happen in the majority of agencies that use temporary employees. However, as you know, we have experienced particular problems in some of the land management agencies, which, because of budget constraints and personnel ceilings, have felt compelled to employ large portions of their work forces under temporary appointments that are renewed year after year.

It is clearly a misuse of the temporary appointing authority for an agency to keep an employee in its work force for several years doing essentially the same work under a series of temporary appointments. More important, this practice thwarts the spirit of partnership that should be fostered between Federal workers and their employing agencies. The misuse of temporary appointments sends a very negative message to our work force. That the Government wants the services of these workers as cheaply as it can get them and with no investment in the employees' career development. This is not the message we ought to be sending to our public servants.

OPM is committed to doing its part to change this situation. First, we have already prohibited temporary positions from being refilled after they have been occupied for 4 years. But we would like to go further. We have proposed to agencies that work under temporary appointments be limited to a total of 2 years. In other words, a 1-year appointment could be renewed only once. We recognize, however, that certain agencies, such as DoD, may be facing special circumstances, that is, long-term significant reductions, that may require special treatment.

We are also encouraging agencies to use term appointments for longer lasting work that is not expected to be permanent. Term appointments are those with a time limit of more than 1 year but not more than 4 years. We would like to extend the maximum duration of term appointments to 5 years without OPM approval and authorize longer term appointments with OPM approval. Employees serving under term appointments are entitled to retirement and insurance coverage.

In addition, we are considering seeking authority from the President to permit term employees who have completed a specified amount of service—perhaps 2 or 3 years—to be selected for permanent positions through merit promotion procedures. This would not require agencies to convert term employees to permanent status; it would merely enable term employees to apply for permanent vacancies and to be selected if they are found to be among the best qualified candidates within the agency.

In an April memorandum for Federal personnel directors, unions, and other employee organizations, we sought comments on these proposals, as well as on a proposal to simplify and consolidate the numerous appointing authorities for temporary positions. We will be receiving comments through mid-July; at that point we will proceed with proposed regulations, unless we encounter substantial opposition.

On the question of benefits, it is clear that health insurance is the benefit most desired by temporary employees, as well as one which is costly to provide. While we do not oppose benefits for temporary employees in principle, we believe the issue of health insurance coverage for temporary workers must and will be addressed in the context of the President's proposal for national health care reform. The issue of how to provide coverage cannot be separated from the question of how to pay for

coverage. Federal agencies often face difficult choices in attempting to reconcile their need to hire temporary workers with budgetary constraints that may make them unable to provide benefits for those workers. We understand that both coverage of temporary employees and funding of that coverage will be addressed in a comprehensive way as part of the President's health care proposal, and we believe that is the appropriate context in which to address the issue of benefits for temporary workers.

In the meantime, the other changes we are proposing, which I have outlined here today, should go a long way toward eliminating the inequities that have resulted from the inappropriate use of temporary appointments.

Again, I appreciate the opportunity to assist the subcommittee in examining this important issue, and I would be happy to respond to any questions you may have.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED TO JAMES B. KING

Question 1. Mr. King, in your statement you say OPM is considering seeking authority from the President to permit term employees who have completed a specified amount of service to be selected for permanent positions through merit promotion procedures.

What about providing other types of temporary employees this authority?

Answer. We will soon propose regulations limiting temporary appointments to jobs lasting 2 years or less. When the regulations become effective, we will give agencies a chance to convert current long-term temporaries to term appointments. The employees could then be covered by any new Presidential authority allowing term employees to be selected for permanent appointments.

If we limit future temporary hiring to short-term jobs, we do not believe that special provisions for temporaries to enter the career service will be needed or justified. People hired for truly short-term jobs will have no expectation of longer employment. We should not create a "back door" for short-term temporaries to enter the competitive career service.

Agencies are allowed to take procedural short-cuts to hire temporaries. The public notice required by law can be very short and limited to the commuting area. Comparative ranking can be minimal. These short-cuts are appropriate for temporary hiring, but not for permanent hiring. Converting temporaries to permanent status could create the appearance—and maybe the fact—of circumventing statutory competitive requirements.

Question 2. In NTEU's testimony, Mr. Tobias discusses temporary employees who are part of the excepted service. He specifically refers to employees at the FDIC. Under your plans, would excepted service employees follow the same regulations as competitive service?

Additionally, how closely are you following personnel practices at the FDIC?

Answer. The time limits for temporary appointments established in our proposed regulations would apply equally to the excepted and the competitive service.

We have met with FDIC officials to discuss the need for special Schedule A hiring authority for liquidation positions. Based on that discussion, we expect to withdraw Schedule A authority for most positions on January 1, 1994. FDIC may propose retaining Schedule A authority to hire personnel of closed institutions for very short periods (probably 2 or 3 months) to prepare records for transfer to FDIC.

Withdrawing Schedule A hiring authority will not make FDIC's temporary employees permanent. The employees will become temporaries in the competitive service. FDIC will have a chance to convert them to term appointments if our proposed regulations are adopted.

FDIC must decide whether particular jobs are temporary, term, or permanent. The agency is considering various options for structuring its liquidation workforce. We understand that the eventual mix may include a larger percentage of permanent jobs, possibly concentrated in a smaller number of offices.

Our evaluation of FDIC personnel practices is limited by the fact that FDIC is exempt from OPM's authority in certain major program areas, such as position classification and performance management. In areas where we do have jurisdiction, we monitor FDIC's practices as closely as those of other agencies.

Question 3. NTEU urges this subcommittee to amend the Civil Service Due Process Amendments of 1990 to allow temporary employees who have served two years to appeal an adverse action or non-renewal of a contract to the MSPB. would you please comment on this recommendation?

Answer. The changes we are making, particularly limiting the use of the temporary appointments to a maximum of 2 years, should obviate appeal rights for temporary employees.

In any event, it is important to recognize that temporary appointments are commonly used when the work to be done is known to be short-term, although its precise duration is uncertain. Consequently, temporary appointments are typically used with a "not to exceed" date, leaving the employer free to terminate the employee at any time before that date. We believe the employer needs to be able to terminate a temporary employee whenever the need for that employee's services has ended. This authority is integral to the concept of temporary employment. Of course, the employing agency has a responsibility to make sure that all prospective temporary employees clearly understand the terms of their employment.

Similarly, we do not believe it would be appropriate to establish an appeal right for non-renewals of temporary appointments on their scheduled ending date. The terms of a temporary appointment, including its ending date, are conditions of employment which a prospective employee understands and agrees to when accepting a position. No grievance or appeal right exists for comparable actions that simply fulfill a condition which the employee agreed to at the start of employment.

Regarding similar concerns for employees serving on term appointments, our position remains that any action terminating an appointment at its scheduled ending date should not be appealable under adverse action procedures. If such employees have completed their trial periods, they are granted appeal rights if they are removed prior to the expiration of their appointments.

Question 4. How does OPM enforce compliance with its regulation on temporary employees? Do you have any plans for a stronger oversight of agencies?

Answer. OPM conducts a program of regular recurring review of personnel practices at Federal installations. Temporary employment has been a part of our review agenda nearly continuously for the last several years. When we find instances of non-compliance, we direct corrective action.

We do not have plans for stronger "oversight" per se. We will, of course, accelerate our oversight and compliance activities when specific situations require it, and in the past we have done so. We believe this current level of oversight is appropriate.

Question 5. What is the timeline for implementation of the new regulations that OPM is considering?

Answer. We expect to submit proposed regulations changing the time limits for temporary and term appointments to OMB in the next few weeks and to publish the regulations during the first quarter of the coming fiscal year. The rulemaking process takes about 6 months. Barring unforeseen delays, we expect the new time limits to be in place for the 1994 summer hiring season.

Question 6. I am extremely concerned about access to health care for temporary employees. I do not believe that waiting for enactment of the President's Health Care Plan is realistic or fair to temporary workers. They deserve these benefits today—not one or two years from now. Would you please further discuss providing access to FEHBP for temporary employees after 6 months of employment? I believe at the very least 6 months should be enough time to administer the health plan.

Answer. It would be feasible to reduce from 1 year to 6 months the service requirement for temporary employees to become eligible to enroll in the FEHBP at their own expense.

Question 7. Do you envision a major revamping of the civil service system in light of Vice-President Gore's Performance Review and the task forces that you have set up at OPM? How will that affect temporary employees?

Answer. We expect the Federal personnel system to become less centralized and less prescriptive. The basic principles of public notice, open competition, veterans' preference, and merit selection will remain, but not the detailed requirements for carrying them out.

We envision agencies designing their own procedures within the basic framework. Agencies would need procedural short-cuts only for truly short-term temporary hires. They would be expected to use the same procedures to fill both permanent and longer-lasting nonpermanent jobs.

Even if we did nothing else, that change alone would alleviate a major complaint. Currently, some temporaries work for years but can never be reached under permanent hiring procedures. That situation would be less common if those long-term employees had competed under the same procedures for their temporary jobs.

We would like to do more, however. We are considering creating a single type of competitive appointment that would be used for all outside hiring except for strictly short-term temporary jobs. Longer-term employees would compete for permanent jobs through merit promotion after a specified amount of service—probably 3 years—under that entry appointment.

Question 8. Later in the hearing, we will hear from a witness, Mr. Willie Haywood, who is employed by the Department of Veteran's Affairs at their fire department in Ohio. This department clearly violates OPM's regulations regarding tem-

porary employees. Mr. Haywood says in his testimony that there are only 4 permanent employees in a workforce of 15. How is this acceptable in a fire department? Obviously, the agencies must be turning a blind eye to these types of abuses. What can and should be done to prevent that from happening?

Answer. We reviewed the situation described by Mr. Haywood early this year as part of OPM's program of review of agency personnel practices. We found that the VA had been planning since 1984 to decommission its fire station at the Cleveland VA Medical Center. Consequently, it began using temporary appointments at this facility in 1985.

OPM guidance specifically approves the use of temporary appointments to staff activities that are being considered for contracting out. In the case of the Cleveland VA fire station, employees hired under temporary appointments have been informed of the temporary nature of their employment, beginning before they were hired and consistently and repeatedly since they were hired. None of these temporary employees has exceeded OPM's current 4-year limitation on temporary employment. Moreover, the Department of Veterans Affairs informs us that, because of the nature of the firefighters' work schedules (24 hours on duty, 48 hours off duty), seven of the eleven temporary firefighters concurrently hold positions with local community fire departments or other employers.

Nevertheless, the decommissioning process in this case has been unusually long. Consideration of contracting out the facility began in 1985. When no bidders responded to the solicitation, negotiations were initiated with the City of Brecksville to turn over the facility to local control. A construction project was initiated to correct certain deficiencies in the sprinkler system and other features of the facility which had to be addressed before the fire station could be turned over to the city. The construction currently is scheduled to be completed by the end of October 1993.

The decommissioning of the fire station has been prolonged by negotiations over and revisions of the construction contract, the construction itself, and an audit of the Brecksville City Fire Department to determine whether and how it could meet the staffing standards that the VA had set for ensuring that its medical facilities have adequate firefighting protection. In April 1993, the Department of Veterans Affairs determined that the Brecksville City Fire Department's full-time firefighters, supplemented by its paid on-call personnel, do provide a level of firefighting services that is equivalent to the DVA's minimum standard.

During this process, vacancies at the fire station have been filled by temporary appointments. The VA determined that the use of permanent appointments in this situation would be irresponsible, given its consistent efforts to contract out or otherwise decommission this facility. Although OPM is concerned that the process has been unusually protracted in this case, we cannot conclude that the VA's use of temporary appointments was inappropriate, particularly because it appears the precise duration of the decommissioning process was not foreseeable. The Department of Veterans Affairs now assures us that it intends to decommission the fire station no later than mid-November of this year, upon completion of the sprinkler renovation project.

Question 9. One of our other witnesses, Mr. Roger Archibald, had truly devoted himself to government employment. He has been a temporary employee since 1980 in the most dangerous of positions—a smokejumper and fire guard. Recently, he was not rehired after 6 years of successful smokejumping—the positions for smokejumping still exist, however—and Mr. Archibald has no recourse against not being rehired. His years of devotion to the Federal Government mean nothing. He has no rights, no benefits and no retirement. What can OPM do to address this problem as far as rights to adverse action?

Answer. Our proposed regulations curtailing the service limits for temporary appointments would address this problem for many seasonal employees. Agencies would have to fill seasonal jobs involving 6 months or more work each year through term or permanent appointments, which confer adverse action rights.

The regulations would, however, permit agencies to make successive temporary appointments to seasonal jobs in which the employees work less than 6 months a year. We believe the 6-month limit strikes a necessary balance between legitimate needs of employees and agencies. Jobs lasting less than 6 months a year typically represent casual or secondary employment, and the employees make no commitment to Federal service. We would not favor extending adverse action protections to casual employees.

We are aware that some employees work more than 6 months a year in a combination of seasonal jobs, sometimes even moving across the country. Obviously, those are not casual employees. However, they are atypical and are concentrated in the land management agencies, including the Forest Service where Mr. Archibald

worked. We will continue to work with the land management agencies to seek solutions to their atypical problems.

Question 10. In the Interagency Advisory Group Memorandum for Directors of Personnel, it says that each temporary appointment would require supervisory certification that the employment need is truly temporary and that the proposed appointment meets the regulatory time limits.

What is required in a supervisory certification? Is there any way to ensure that this will be effective? How does this differ from what currently exists?

Answer. The supervisor would be required to sign a statement giving specific reasons for the temporary employment and certifying that the position meets regulatory time limits, including the restriction on successive temporary appointments. The certification would be made on the request for personnel action and, if the supervisor has official appointing authority, on the final appointment document as well.

Currently, OPM regulations require documentation of the nature and reasons for temporary appointment, but do not specify who should supply the documentation. In practice, this means the certification is often made by a personnel specialist. However, personnel offices process actions for many components or facilities within an agency. Regional personnel offices often serve installations in several states. The personnel specialist who signs the statement may not have first-hand knowledge of its accuracy.

One goal of our efforts to improve the personnel system is to give managers the freedom to manage—and to hold them accountable for their actions. Supervisory certification provides accountability.

Question 11. Mr. Archibald lists in his testimony a series of reasonable recommendations regarding temporary employees. (1) There needs to be an established standard for written performance appraisals provided to all temporary employees at the completion of their service. (2) There needs to be a systematic and efficient grievance procedure instituted for temporary employees that goes beyond the right to petition one's supervisor. (3) In the event that an agency cannot rehire all its temporary employees who have performed satisfactorily in a previous season, the selection of those it can re-hire should be based on seniority.

Would you please comment on these recommendations?

Answer. (1) Employees who serve in temporary positions for a year or more are currently covered by performance appraisal requirements. We would not favor extending these requirements to employees serving in shorter-term appointments.

(2) There are a number of avenues available to temporary employees to obtain review of a complaint or grievance.

Temporary employees may have grievance rights through the Negotiated Grievance Procedure (NGP) if they are in the bargaining unit and the matter at issue is not otherwise excluded from the NGP. Temporary employees not covered by the NGP have access to the Agency Administrative Grievance Procedure. Both grievance procedures provide review of the employee's concerns by levels above the immediate supervisor.

Temporary employees, like nearly all employees, always have the right to file a claim of discrimination through the EEO complaint process (leading ultimately to review by EEOC) or to file a complaint of prohibited personnel action (as listed at 5 U.S.C. 2302) with the Office of Special Counsel.

(3) We do not believe rehiring decisions should be based on seniority alone. Seniority may have a place in those decisions, but other factors such as performance and veterans' preference have a place also. Agencies need to consider all relevant factors when reducing their seasonal workforce, as they do when downsizing their permanent workforce.

Our proposed regulations restricting successive temporary appointments to the same positions would largely eliminate the need for special rehiring provisions. Employees who apply for different temporary positions would be considered through new hire procedures. Rehiring should be an issue only for seasonal employees who work less than 6 months a year.

Question 12. How do you feel about the suggestion that temporary employees should receive within-grade pay increases?

Answer. The extension of eligibility for within-grade increases to temporary General Schedule employees does not seem unreasonable, particularly in view of the fact that temporary prevailing rate (wage) employees already receive within-grade increases under the Federal Wage System. Of course, such a change would require legislation.

Question 13. Do you think it is administratively possible to shorten the suggested 6-month period for FEHB inclusion to 3 months?

Answer. No. We do not believe it would be administratively feasible to allow employees who are going to be on board for less than 6 months to enroll in the FEHBP because of the time it takes to get people on and off a carrier's rolls.

Mr. MCCLOSKEY. I know from our conversation previously today and just from the thrust of your statement that you really don't need to provide us with a lot of gory details as to what happens with people with years on the Federal work force without health coverage. Needless to say, you heard my comments as to the woman making \$14,000 or \$15,000 deciding that she couldn't afford to pick up the full health tab.

As I recall from reading some of the Federal union statements from last night there is going to be one or two cases or more like that with regard to individuals. I believe one had 8 years of experience faced with \$46,000 to \$60,000 in bills.

You heard Ms. Mink's concern and suggestion as to full coverage being available at full cost, Federal and employee, from day one and having the right to normal treatment after a year. Could you comment on this? Why not, as we consider these concerns, could not this be administered soon, given the fact that health care reform is coming down the line but we don't know when it will kick in or what the details will be.

Mr. KING. Mr. Chairman, I would like to think the health care system would come sooner rather than later. Therefore, I have set it aside on that basis.

I think that every employee ought to have health care as a part of the total package of employment. So there is nothing suggested by the committee that is inconsistent with OPM's position.

What I am suggesting is a time line we are trying to work with and to, I think, heighten for everyone the importance of the national health care proposals being acted on. As you say, we are going to pay one way or the other. How we pay is really up for discussion because we are paying as it is now. So there is nothing suggested that is inconsistent with where we are.

Mr. MCCLOSKEY. I might say, as in anything, the most outrageous cases have a matter of personal and group impact. Often that initiates the interest, but my heart has been truly touched by cases from Crane, Indiana, and some of the administrators at Crane don't like me talking about this. I love Crane. I love the Crane administrators. They are all good people, and they are up against a system, too.

But we have literally, as I said, 18 years in, if you can imagine, on a bomb line where for 14, 15, 18 years at different times they are standing all day, 8 hours a day at a conveyer belt. Every 3½ feet on this belt there is a brick wall with the belt going through the brick wall. And there have been various accidents, and these people make the equivalent of \$7 or \$8 an hour at most without benefits.

I do not want to get to playing a violin about it—patriotic, deserving, courageous, wonderful Americans. The idea that you can do that for 16 years on a bomb line and not get a dollar in Federal retirement and have no rights and, in essence, where people have served in the military and have permanent Federal Government service can tack that military on as a buy-in right.

For example, I have 4 years of Air Force which I am privileged and happy to be able to add to whatever my Federal service is.

Could you comment on that or say is there anything as we discuss regulations and legislation that these extreme cases could be considered or at least those that have put multiple years in as so-called temporary employees?

Mr. KING. First of all, the work you describe could not by any stretch of anyone's imagination be considered temporary. I think that is a term of art that has been used by some, and, frankly, it is to bypass the law. In bypassing the law we normally victimize the law. In this case we victimize the individual, the human being involved.

I think there can be a remedy for that. I would like to think that through a regulatory process there may be some suggestions that will be coming forth when the report is completed.

I doubt if we can, solely through the regulatory process, give you the perfecting things that could deal with the extraordinary and extreme cases that you cite. We may be looking for legislative help, and we would come back to the committee at that time if that is agreeable to you, Mr. Chairman.

Mr. McCLOSKEY. As a matter of your personal preference, what do you think I could hold out to people at Crane and in Honolulu and what not that have had 16 to 18 years under the temporary guidelines?

Mr. KING. We should be able to identify a bright line that is so egregious that there could be no question in a reasonable person's mind that it was part of an exploitative process, not something where someone inadvertently stepped over the line.

I don't have a number right now, but I would like to see what the professionals who are working on this on a daily basis might establish as a point of discussion. I think there is a bright line that could be established that shows clear intent for permanent employment and then it is just manipulating the system to use temporary appointments.

Mr. McCLOSKEY. Ms. Morella.

Mr. KING. Certainly not the interests of the employee.

Ms. MORELLA. Again, Dr. King, I am really very pleased with the recommendations that you have offered. As I mentioned in my opening statement, I commend you for the compassion you have shown in going to the employees and recognizing this has been exploitation carried on for a long time, whether inadvertent or not. It seems to me the dollar signs were such that they determined that this was the way to go.

I notice in the report also the indication there has not been any difficulty in recruiting temporary people, which is probably a reflection of our economy.

Let me pose another situation. You probably have some people that come on temporarily every summer. You proposed placing a time limit, constraint line to agencies that work under temporary appointments be limited to 2 years. Can you find another situation where you need some latitude or agencies need latitude like the park rangers or whatever?

Mr. KING. Yes, there are some seasonal employees—you may get someone who is of college age standing at the geysers so none of

us fall in if we visit. They come back every year from freshman to senior year.

But that is an exception. That could be explained, and it is clearly spelled out what they are doing, when they are doing it, how, et cetera.

The other situation we are talking about covers a tiny minority. About 92 percent of all temporaries complete their employment within 2 years. We are really talking, then, of 8 percent going beyond that second year.

We are focusing—we have identified a number of different places such as you are suggesting where their seasonal help is traditional, and it draws from a rather interesting plane. In this process, there is a form of patronage that goes on. I don't mean this in a political sense. It is the old boy network where, if you are in an isolated area that you are very limited in whom you draw from.

So the choice becomes very interesting. The process of temporary employment has a number of facets to it, some of them quite intriguing, especially at the local level.

But we can make the review you suggested, and we can identify places where there has been a profile of direct management manipulation. I would like to think that within a year or two, if we should ever have to reconvene a discussion on this subject, we will have the names of those people, and they could appear and tell the committee why they are doing that to our fellow citizens.

Ms. MORELLA. I am glad you understand the various ramifications and what we can do about it.

Where do you go with your proposals now?

Mr. KING. We will go into our rulemaking, and we are seeking opinions. We should be through probably, I would like to think, before the hiring season of 1994 if everything continues to move along smoothly. That is our general timetable.

We would be in consultation with you before then because, as you know, there are a series of public steps, and as we finish one we move to the next.

Ms. MORELLA. And consultation with the union representatives and employee groups as well as this committee?

Mr. KING. Yes.

Ms. MORELLA. As somebody who used to be in higher education—I can't speak for the private sector, but I can certainly say that higher education has been noted for exploiting temporary employees. In some instances, in some departments, they have had more temporary people than they have had permanent people, and they have had some temporary people for 10 to 15 years, same kind of thing.

Mr. KING. Yes. Sometimes they are called junior faculty.

Ms. MORELLA. That is absolutely right. So it is something that should be stopped in that arena, also, and others. But certainly I think the Federal Government should be a model in this and should not be exploiting its people.

I thank you very much. I look forward to continuing to work with you.

Thank you, Mr. Chairman.

Mr. McCLOSKEY. Thank you Ms. Morella.

Mrs. Mink.

Mrs. MINK. Thank you very much, Mr. Chairman.

With respect to the practice that is commonplace by many of the agencies in hiring temporary—full-time temporary workers, is this a result of the fact that these agencies have been restricted on their number of full-time permanent hires, that there are caps installed through budgetary processes or otherwise? How have we gotten into this practice of temporaries? Is it to put somebody in and not have to go through the lengthy process of an exam or qualifying? What is the background of this, in order to get a grasp of how to deal with it permanently.

Mr. KING. In a word, flexibility. That is how it started. It started in part because was that we recognized seasonal work such as we suggested within our national parks or other sorts of facilities especially during the summer months.

We also recognized that there was work that may run a year or two or would have some other definite time limit. For example, working on the savings and loan programs. As you know, there are a number of people that have been brought in—really a number of them have been term appointments, but some have been temporary appointments—and it looks as if the problem will not go away quickly so they could be extended.

I have not mentioned the Department of Defense, but it is almost a separate issue. But in those cases they were held out, and it operated rather well.

In some situations, especially in the isolated parts of the country, a number of the people as you look at their profile they are much older than the ordinary temporary and, for some folks, it is a way of life. They work for the Government 6 months, then do other seasonal work and come back to the Government.

What happens is they develop a relationship with the folks out in the field. They understand it. They love the work they are doing. They enjoy it. They want to stay on in the seasonal or temporary basis and sometimes stay for years on that basis. So although it is temporary work the idea is it would turn over every few years.

We think of this in terms of, in my region, a lifeguard. No one thinks of a career as a lifeguard. We look to younger people to take those seasonal jobs.

Mrs. MINK. We have career lifeguards.

Mr. KING. Well, I guess that is the principal difference between the Atlantic coast and the Pacific coast, and the particular latitude you are at. Unless you enjoy purple you wouldn't swim long in our area.

But even career lifeguards you probably have a limitation. I would hate like the devil to be a career lifeguard at age 65 or 70, although there are those who might meet that.

But, coming back, that was the process that was ideal.

About 10 or so years ago at my department, the then-Director suggested in a very public way that this was the first step toward privatization of Government. OPM encouraged a number of managers to use the temporary technique as a way to start down that road. It received very wide coverage, this announcement. As you may have noticed, virtue is not covered heavily but something of this nature is. A number of managers felt that may have captured the message of the moment, and that message continued on.

We checked the data. There was a small rise in temporary employment, and it went back down. It has remained stable, on average. But there was an attitudinal thing that contributed to that.

That was not true in the Department of Defense as a whole. In the Department of Defense it didn't take anyone from OPM or anywhere to manage how they did. Somehow they developed a culture that determined that using people on a temporary basis for positions that were clearly long term and career were to be used in this particular manner. And quite possibly what motivated them was cost. But they did do it, and there is no question about it.

What we would like to do is, No. 1, stop it. We don't want to victimize the victims. On the other hand, we want to be sure this stops because in the process we compromise the integrity of our civil servants who came in through a career process that is very, very rigorous as we all know. So we are looking for fairness and equity and understanding our history and what we contributed to it.

That is a very long answer. I am a little rambling. My apologies.

Mrs. MINK. No, no.

In your testimony, you described a second category other than the temporary employees that you—

Mr. KING. Term appointments.

Mrs. MINK. Term appointments. In your testimony, you talked about the possibility of extending retirement and insurance benefits to those under term appointments. Why not health benefits?

Mr. KING. They would have all benefits. They would, basically, come through the competitive service except they wouldn't have the procedural rights in the case of a RIF, for example. They would know their term would run—

Mrs. MINK. They would have medical benefits.

Mr. KING. Oh, yes, everything, all benefits except certain administrative features.

Mrs. MINK. Is there a third category, permanent less than full time?

Mr. MCHUGH. There is a third category that have no restriction on their tenure. Within that, we have those who work full time, that is, 40 hours a week and those who work less than full time, less than 40 hours a week. They are part time.

Mrs. MINK. Those that work less than full time but are in permanent category, they have all the benefits?

Mr. MCHUGH. Yes, they have all the benefits. The only difference is, as a result of legislation, they receive health insurance, but the amount that the Government contributes to that health insurance is prorated according to their schedule. And, essentially, the same formula works on their retirement. But they are eligible for both of those benefits.

Mrs. MINK. Is it a possible remedy that you could look at all these people who are in this temporary category but who have been there longer than 2 years and ascribe to them the status of permanent so they would have these benefits of insurance, retirement and health?

Mr. KING. That could be done. The real question before us, though, at least for us, is what is the benefit package. The benefit package for Federal employees on a career basis in the competitive

service is extraordinarily generous. The benefit package that would meet minimum needs as prescribed in the private sector, for example, including administrative practices, could meet the reasonable needs that you are talking about within the Federal system and still work with temporary help full and part time.

Mrs. MINK. It just seems to be so highly discriminatory. In every other category you described, health benefits are available but not to the temporary workers. And surely a distinction can be reached where the temporary work continues beyond 2 years as in my bill, that they would be immediately accorded the opportunity to at least, at the minimum, have health benefits. I see no reason why we can't do that since we have all these different categories of employees.

Mr. KING. You could, but we wanted to discourage that and cut it off after 2 years and then go to term employment which reestablishes your career profile, and we go back to the merit system for hiring.

Mrs. MINK. But if you tie in the condition of the temporary worker to restrictions with regard to their budget, what happens if you invoke the rule that said after 2 years no more temporaries? All these people would be out of work. The 69 workers in the Park Service in my State would be out of work. The services would not be rendered.

There is no money there to put people into a full-time status. There is a cap on the number that can be hired. What would happen to our Park Service?

Mr. KING. I think the first thing I would say is if that work needs to be done there is a problem with the folks that need to do it. They say they come in on a noncareer and selected basis, and that leaves a great deal to be desired.

If they are needed, we can meet that by making them term employees if they were permanent.

Mrs. MINK. You can do that administratively then to correct this situation?

Mr. KING. Yes, that should be done through the term appointment, and that would be renewed every 5 years. And you can go to the situation of whether they should be made permanent.

What this was was based on—

Mrs. MINK. Sounds very logical. I hope that that would be done.

But my final question has to do with the suggestion that you made that because there is all this talk about a comprehensive health reform package coming down the pike that perhaps you ought not to delve into the possibility right now of making part of the employment benefits at least the opportunity to purchase at 100 percent cost a Government health plan for workers who have been hired on a temporary basis.

It seems to me that that is just 100 percent consistent with the current administration's idea of what entitlement is as a consequence of employment. If we don't do it ourselves within the Federal Government how can we expect the private sector to follow through?

Mr. KING. True.

Mrs. MINK. So I would hope, at the minimum, this can be done. As I understand it, it can be done administratively. All you are

doing is offering the employee the right to buy the health plan at 100 percent personal cost. Is that true or not true?

Mr. MCHUGH. Unfortunately, that would require statutory action. Congress would have to legislate that.

Mr. KING. Could we respond to it? Yes.

Mrs. MINK. How could you not do that administratively?

Mr. MCHUGH. Because the authority that we have is to provide health insurance under conditions that are essentially established by Congress. One of the conditions is that if a temporary employee is hired the only ability we have to give them health insurance, even at their cost, is after 1 year of service. That is in the statute. We don't have discretion.

Mrs. MINK. And in my bill the prerequisite is getting the 100 percent coverage.

Mr. MCHUGH. Yes.

Mrs. MINK. Thank you.

Mr. MCCLOSKEY. Thank you, Patsy.

Could you comment on the status and agency's plans on grievance and appeal rights as to temporary and term employees? I understand, except for EEO, there is not much in the way, unless it is a matter of union contract or local grievance procedures, of the right to the MSPB protection and so on. What is likely to come out of that? I expect to hear from the unions on that today.

Mr. KING. I think that is being reviewed at this time, and that report should be forthcoming. That is certainly part of it.

I don't think you are going to see, even in that report, though, anything that would be even close to what the administrative practices and protections are for full civil servants under the career service.

Mr. MCCLOSKEY. But there ought to be a right to grieve.

Mr. KING. I think we will have some issues in there, but I would mislead you if I suggested it would look anything like the Civil Service Code we are presently familiar with.

Mr. MCCLOSKEY. Mr. McHugh, did you want to comment on that?

Mr. MCHUGH. Yes, sir. Currently temporary employees are subject to negotiated grievance procedures at the discretion of the local activity and the union. So they have those protections.

In our report, we had not identified any options as far as providing additional protections through the Federal system.

Mr. MCCLOSKEY. Is it not true if there is no local negotiated procedure then, many of them would have no rights to appeal or protest arbitrary treatment?

Mr. MCHUGH. They would have the rights that are negotiated for employees at a particular activity.

Mr. MCCLOSKEY. They are not going to be subject to local negotiated agreements are they, however? I could be wrong. Tell me.

Mr. MCHUGH. It would cover all situations, but it is, essentially, a local determination. Permanent employees are given up to the top by statute rights against adverse actions and RIF and so on. That is not provided to temporaries. What they get is coming out of the local union contracts.

Mr. MCCLOSKEY. I would like further review on that. And, at the risk of speaking without comprehensive knowledge, I believe we

will have Mr. Archibald speak later today. I didn't get a chance to read his statement last night for some reason, but staff tells me that he had testified as to his concerns for temporary employment treatment to Mr. Kanjorski. And, subsequent to his appearance in Washington here, he was not rehired as a temporary. He was given critical or negative personnel or performance reports. And, for whatever strange reason, it is said—this is by word of staff here—that his records have been lost. I would say another very convenient record lost. That is true.

I know you have concern for fairness and equity on things like this. He will be on the record later this morning, and I would suggest a review, at least an informal administrative review, of his case. Is that possible, Mr. King, do you think?

MR. KING. For this committee, anything is possible, Mr. Chairman.

MR. MCCLOSKEY. What an attitude. I am calling President Clinton this afternoon, if he will take the call.

Connie, do you have anything else?

MS. MORELLA. No, just to tell him I like that attitude.

MR. MCCLOSKEY. May be the best administration witnesses we ever had, Mr. King, we look forward to working with you. Thank you.

Lo and behold, we will next call upon Roger Archibald, former smokejumper, accompanied by Willie Haywood, vice president of Local 51, American Federation of Government Employees.

Gentlemen, you are welcome. Your statements are accepted for the record. And when you get settled you may proceed.

I am told Mr. Haywood will also have someone accompany him. He will be accompanied by Christopher Campbell, former firefighter, local firefighter.

STATEMENTS OF WILLIE HAYWOOD, VICE PRESIDENT, LOCAL 51, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES; ACCCOMPANIED BY CHRISTOPHER CAMPBELL, FORMER FIREFIGHTER; AND ROGER ARCHIBALD, FORMER SMOKEJUMPER, U.S. FOREST SERVICE

MR. HAYWOOD. Mr. Chairman, members of the subcommittee, I am Willie Haywood. I am the vice president of Local 31 of the American Federation of Government Employees. To my right is Mr. Christopher Campbell, my coworker and union colleague and also the president of the fire division at Local 31 of the AFL-CIO, Department of Veterans Affairs, Brecksville Division, Cleveland OH. We would like to express our appreciation and gratitude to Chairman Frank McCloskey for inviting us to testify at this hearing.

I have worked over 16 years of Government service with the DVA. For the first 13 years, I worked in the fire department at the Brecksville Division. The agency began hiring temporary employees when vacancies occurred, starting in 1983, in the belief that the fire department would eventually be contracted out to a private firm. By 1989, when the decision was made to solicit bids from private contractors, 7 out of 15 fire department workers were on temporary status.

As it happened, no firm was awarded a contract, and the temporary employees who were hoping for permanent positions did not receive any change in their employment status.

At this time, I was the union steward. I approached the agency's management on the question of their intentions concerning the future of the fire department as well as the problem that time was running out for the majority of the temporary workers.

A decision had to be made. The temporary workers were all performing satisfactorily, and all desired to become permanent employees.

The agency responded that they would continue the practice of hiring only temporary employees who would have no chance of obtaining permanent status. As a result, since 1989, 20 people have quit employment at the fire department solely because their temporary status deprived them of any financial security. These were mostly younger people who needed job security and health benefits in order to raise their families.

The fire department has lost valuable, skilled employees and has had to spend large amounts of money on training replacements—money which could have been used to finance benefits for good employees who desired permanent status but were denied it because of the DVA's policies on temporary employees. Most of the workers who left did so because of the lack of benefits. In almost every case, the department lost knowledgeable personnel whose expertise in fire science could have benefited the agency.

A further problem with the agency's decision to hire only temporary personnel was that, due to the almost constant turnover, the Fire Department is often well below its minimum staffing levels. The result has been an enormous amount of overtime work for the remaining personnel. This has created a burden on the agency's budget. In addition, it has produced morale problems among both the permanent and temporary employees.

It is obvious to everyone that the agency's refusal to change the status of temporary employees was costing rather than saving money in overtime and training costs. The permanent employees resented working so much overtime, and the temps realized that, despite the sacrifices they were making to work extra hours and no matter how flexible they were willing to be, they would not become permanent and would not receive benefits.

This practice has also led to a drain on qualified personnel. It has been so difficult to recruit new people due partially to OPM's qualification standards that in one case an individual was rehired into the department after he reached the 4-year limitation on temporary workers after being laid off for just 3 months. Indeed we found that this was in violation of OPM's regulations. Another individual left and returned in 1 year to begin another 4 year tour as a temp.

OPM's April 1993 report states specifically that such a practice is an inappropriate use of the authority to use temporary employees. The report explains that once a position has been filled continuously over a 4-year period it can no longer be considered a temporary position. The person who has held the job continuously over that period also should not be considered a temporary employee. The DVA at Brecksville has been doing this for 10 years.

At present, the agency has started a new series of temporary hiring to replace the ones who have left for better opportunities or because they have reached their time limitations. Currently, out of a 15-person work force, only 4 are permanent employees. This situation has created a weak chain of command.

The agency has eliminated the fire chief position, which puts an unfair burden on the lead person or crew chief. He or she must perform administrative duties along with trying to run the department on a daily basis. All daily duties are performed by the temporary personnel. The DVA has temporary employees in other services throughout our installation, but, in my opinion, they have exploited the system in the fire department at the Brecksville Division.

I support many of the recommendations contained in the OPM report, but I do not believe that they go far enough. For example, OPM has proposed lowering the maximum number of years a position can be considered temporary from 4 years to 2 years as a means to discourage the abuse of temporary hiring authority. Taken alone, that recommendation would hurt rather than help temporary employees because it would reduce the time they would be able to hold their jobs.

We believe that if a position continues to exist beyond one year, both the job and the individual should be eligible for all the same benefits provided to permanent workers. This would be the most effective strategy to deter the abuse of temporary hiring authority.

Providing term employees benefits including health and life insurance as well as opportunities for promotions is a matter of both equity and efficiency. Agencies will no longer be able to pay workers who hold essentially the same jobs differently, and departments such as ours will function more efficiently due to increased stability and experience on the part of employees.

Once the employees who occupy so-called term positions are treated with the dignity they deserve, they will be able to see their jobs as a career position from which to raise a family and plan their future.

I urge the committee to act to improve the situation of temporary workers and prevent agencies from abusing their authority to designate positions as temporary. It will allow an individual to work for a short time if he wishes but also allow to work with dignity.

Thank you.

Mr. McCLOSKEY. Thank you, Mr. Haywood.

[The prepared statement of Mr. Haywood follows:]

PREPARED STATEMENT OF WILLIE HAYWOOD, VICE PRESIDENT, LOCAL 51, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. Chairman and members of the Subcommittee: My name is Willie Haywood, and I am the Vice President of Local 31 of the American Federation of Government Employees, AFL-CIO, Department of Veterans Affairs, Brecksville Division, Cleveland, Ohio. I would like to express my appreciation and gratitude to Chairman Frank McCloskey for inviting me to testify at this hearing.

I have over 16 years of government service with the DVA. For the first 13 years, I worked in the Fire Department at the Brecksville Division. The agency began hiring temporary employees when vacancies occurred starting in 1983, in the belief that the Fire Department would eventually be contracted out to a private firm. By 1989 when the decision was made to solicit bids from private contractors, 7 out of 15 Fire Department workers were on temporary status. As it happened, no firm was awarded a contract, and the temporary employees who were hoping for permanent positions did not receive any change in their employment status.

At this time, I was the union steward. I approached the agency's management on the question of their intentions concerning the future of the Fire Department, as well as the problem that time was running out of the majority of the temporary workers. A decision had to be made: The temporary workers were all performing satisfactorily and all desired to become permanent employees.

The agency responded that they would continue the practice of hiring only temporary employees who would have no chance of obtaining permanent status. As a result since 1989, 20 people have quit employment at the fire department solely because their temporary status deprived them of any financial security. These were mostly younger people who needed job security and health benefits in order to raise their families.

The Fire Department has lost valuable, skilled employees and has had to spend large amounts of money on training replacements—money which could have been used to finance benefits for good employees who desired permanent status but were denied it because of the DVA's policies on temporary employees. Most of the workers who left did so because of the lack of benefits. In almost every case, the department lost knowledgeable personnel whose expertise in fire science could have benefitted the agency.

A further problem with the agency's decision to hire only temporary personnel was that due to the almost constant turnover, the Fire Department is often well below its minimum staffing levels. The result has been an enormous amount of overtime work for the remaining personnel. This has created a burden on the agency's budget. In addition, it has produced morale problems among both the permanent and temporary employees. It is obvious to everyone that the agency's refusal to change the status of temporary employees was costing rather than saving money in overtime and training costs. The permanent employees resented working so much overtime, and the temps realized that despite the sacrifices they were making to work extra hours, and no matter how flexible they were willing to be, they would not become permanent and would not receive benefits.

This practice has also led to a drain or qualified personnel. It has been so difficult to recruit new people due partially to OPM's qualification standards that in one case an individual was rehired into the department after he reached the four-year limitation on temporary workers after being laid off for just 3 months. Indeed, we found that this was in violation of OPM's regulations. Another individual left and returned in one year to begin another four year tour as a temp. OMP's April 1993 report states specifically that such a practice is an "inappropriate" use of the authority to use temporary employees. The report explains that once a position has been filled continuously over a four year period, it can no longer be considered a temporary position. The person who has held the job continuously over that period also should not be considered a temporary employee. The DVA at Brecksville has been doing this for 10 years.

At present, the agency has started a new series of temporary hiring to replace the ones who have left for better opportunities or because they have reached their time limitations. Currently, out of a 15 person workforce, only 4 are permanent employees. This situation has created a weak chain of command. The agency has eliminated the Fire Chief position, which puts an unfair burden on the lead person or Crew Chief. He or she must perform administrative duties, along with trying to run the department on a daily basis. All daily duties are performed by the temporary personnel. The DVA has temporary employees in other services throughout our installation, but in my opinion, they have exploited the system in the Fire Department at the Brecksville Division.

I support many of the recommendations contained in the OPM report, but I do not believe that they go far enough. For example, OPM has proposed lowering the maximum number of years a position can be considered temporary for 4 years to 2 years as a means to discourage the abuse of temporary hiring authority. Taken alone, that recommendation would hurt rather than help temporary employees because it would reduce the time they would be able to hold their jobs.

We believe that if a position continues to exist beyond one year, both the job and the individual should be eligible for all the same benefits provided to permanent workers. This would be the most effective strategy to deter the abuse of temporary hiring authority. Providing term employees benefits including health and life insurance, as well as opportunities for promotions is a matter of both equity and efficiency. Agencies will no longer be able to pay workers who hold essentially the same jobs differently, and departments such as ours will function more efficiently due to increased stability and experience on the part of employees.

Once the employees who occupy so-called "term" positions are treated with the dignity they deserve, they will be able to see their jobs as career positions from which to raise a family and plan their future. I urge the committee to act to improve

the situation of temporary workers, and prevent agency's from abusing their authority to designate positions as temporary. It will allow an individual to work for a short time if he wishes, but also allow him to work with dignity.

Mr. MCCLOSKEY. Mr. Archibald, you may proceed. It would be helpful if you could summarize so we would have time for full discussion as to all your concerns.

Mr. ARCHIBALD. I am Roger Archibald. I come from Philadelphia, PA.

On and off since 1984 I have been employed as a temporary forestry technician/smokejumper by the U.S. Forest Service. I spent 2 years at Redding, CA and since 1989 I have been, or had been, employed at the aerial fire depot in Missoula, MT.

Because I also have experience working for the National Park Service, last summer I was invited to testify before the former Subcommittee on Human Resources, I believe, which was in session in Missoula, MT. I was there at the invitation of Representative Pat Williams. And Representative Kanjorski was there, and Representative Moran also attended.

I was invited to testify, basically, because I had had experience with three—actually four, excuse me—four different Federal agencies as a temporary employee. That testimony is part of the record, and I have some additional copies here for you.

Subsequent to that testimony, I completed the season. I was laid off at the end of the fire season.

And toward the end of the fire season there had been a lot of concern at the base about cutbacks in the number of jumpers. Over the last two seasons the Missoula smokejumper base received what they called severity funding which allowed them to increase the numbers from the normal 60 to 86.

With weather patterns subsiding and El Niño subsiding and so forth, the word was out that we may not get severity funding next year. From the beginning of last year, all temporaries were told that we may face cutbacks. "We may not be able to hire you." The base manager said right off the bat that "if I have to cut back I will base the cutbacks on performance, not on seniority or any other criteria, on performance." This issue is kind of in the background the whole season.

On September 15, 1992, we held a general smokejumper meeting. It is a tradition at the end of the season. And the minutes of that meeting, portions of them I have distributed as exhibits to the members of the committee.

[The information referred to follows:]

Sept. 15, 1992*

GENERAL SMOKEJUMPER MEETING FALL 1992

MEETING PURPOSE

The purpose of this meeting was to review the 1992 fire season from a smokejumper perspective. Bring up ideas, concerns, opportunities for change, anything we as jumpers want to discuss in regard to the Missoula Smokejumper program. Gary Benavidez asked that when participants bring up concerns, that they also recommend a proposal to elevate the concern.

Joe Wagenfehr led the opening remarks by saying it was a pretty good year for the jumper program. In May of this year it looked like we were faced with a critical fire season, but wet weather in July helped out and fire intensity moderated. Joe said "Good Initial Attack was done, we did well, you did well". The long term problem is that when initial attack is successful the corresponding fuel buildup leads to the potential for larger fires in the future, but until someone comes up with a better solution initial attack is the way to proceed. Because of the rural urban interface good initial attack will always be needed. Joe was concerned about the number of injuries this summer, "injury rate was unacceptability high! He has directed Gary Benavidez to look into injury trends and formulate an action plan.

Joe talked about FY 1993 budget saying that 105 jumpers for the Region 1 program would be funded at 100%. However some of the true costs of a quality program such as off tour training were not funded and he sees this as a concern. Overall Region 1 is looking at a 7 million dollars increase in its fire budget for FY 93, with the large majority of this increase going directly to the Forests.

AWARDS

Judy Hewitt was presented with a print of "Jump into Hell" in appreciation of her help to the Smokejumper Program over the years.

Kim Jacobsen and John Miller Visitor Center Employees received cash awards from the Smokejumper Program for their outstanding work in coordination of Visitor Center activities.

ISSUES

The question was asked "What is the outlook for future appointments, will GS-7 positions turn into PFT appointments? Will this increase in GS-7 tours be at the expense of GS-6 13/19 positions?

Gary responded that a 50% - 50% ratio of temporary to long term appointments is what the organizational plan calls for. This is based on 10% of the jumper force being available year-around for fire assignment. Correspondingly there will be an increase in tours for some GS-7 appointments. Increase in GS-7 tours will come from GS-6 6-20 positions as they become vacant. Gary stated, the 13/19 GS-6 position currently advertised will be filled in the near future. The GS-7 PFT safety position has been filled.

Action Item include in first newsletter question on who wants dorm rooms for refresher training and during the summer.

Carlsen suggested that we strengthen our presentations to the Region 1 forests about jumper capabilities. Tom suggested identifying specific individuals in the jumper organization who would be responsible for meeting with specific forests.

WW II recommended sending representatives out to more Forest meetings.

Gary responded by saying that we asked to be included on Forest FMO meeting agendas but have not received invitations.

A suggestion was made to poll dispatchers, and forests to get their input on the jumper program. A questionnaire would need to be developed.

Action Item Wayne Williams, Tom Carlsen, Jim Linville, Scott Belknap, Tod Onken and Bob Cunningham will develop presentations for Forest FMO's, District and Forest Dispatchers in Region 1.

Beck who needs x-large jump suits? Hammack, Burtch, and Cunningham.

Chamberlin suggested we look at a jump suit boot strap which x-crosses under the heel. This might provide better ankle support.

Roger Archibald said congress will be working on temporary employee issues this winter. If anyone has input give it to Roger and he will pass it along to the appropriate people.

POTENTIAL REDUCTION IN JUMPER NUMBERS FOR 1993

Gary a major issue may be a reduction in jumper numbers for the Region if there is no severity funding for next year. This could require reducing the number of jumpers in Missoula from 85, the number this year, to 60 for next season. Performance will be the deciding factor, in making any reduction, not seniority or popularity.

The question was asked are performance evaluations the most valid criteria, understanding that due to the nature of the jumper job, supervisors are rarely with the people they rate? Evaluations need to be objective and timely, what is the process?

Gary a Crew Rating Form has been used for a number of years to help supervisors get input on employee performance on fires. These forms are filled out by the jumper-in-charge on each fire. On two person fires the rating is optional as peers are grading one another. Copies of the Crew Rating Forms are in map cases and are also kept in Operations. Completed rating forms are kept in a file for supervisor review. When an employee receives a superior, weak, or unsatisfactory rating they are informed by their supervisor. When year end ratings are done supervisors use the Crew Rating Forms as one indicator of employee performance. In addition a Fire Evaluation form is sent out via DG for each fire staffed. This information is used to determine individual jumper performance and overall user satisfaction with the jumper program.

Comments from jumpers indicated that lots of folks were unaware of the Crew Rating Forms.

Gary asking for specific recommendations, what would the jumpers like to see used as criteria for reducing jumper numbers, if a reduction in jumpers is necessary?

Response, Seniority is a criteria commonly used by the courts.

Objectivity is a concern when performance is evaluated by supervisors, but don't agree with seniority being used as the primary criteria.

Question is seniority based on years of jumper experience or years of fire experience?

In past years when the seniority system was used to determine details, subbase assignments, and winter work preference it worked as such: 1 point was given for each year of Federal service, Forest Service, Military, etc. and 1 point was given for each season of jumping.

Comment was made that employee performance rating should be broad based, not just input from one supervisor. There was agreement from the jumpers on this point.

Will Affirmative Action be a consideration if jumper numbers are reduced?

Gary responded yes, consideration will be given to Affirmative Action policies if a reduction in jumper numbers is required.

Will people who were funded under the severity management code this summer be the ones to be cut?

Gary, people were funded under different management codes this summer on an arbitrary basis and this would not effect who is or is not hired back.

If people are not rehired can they expect help in getting a job with another jump base.

Gary it is up to the individual to find employment. If one jump base experiences cuts all bases will probably be cut. We can supply addresses of other bases and Hot Shot Crews.

Key Input From Jumpers

Performance, input from all overhead, should be primary factor in determining any cuts, not seniority.

Beck overall job performance not just fire performance should be considered.

Performance should be primary factor, seniority should be the tie breaker.

Consideration should be given to those who are around for the entire season, come early stay late.

Jumpers should do an all-around good job.

Suggested that the opinion of senior GS-6's should be considered when making any decision about who would not return for the 1993 season. They have a good idea of jumper work performance.

Consider additional qualifications that individual jumpers have, EMT, fallers etc.

Send out newsletters early so people know what's going on. This will give people the option of deciding not to come back if a cut is coming, freeing up space for people who would like to return.

Be timely in letting people know what the hiring situation is for the 1993 season.

Gary one change for FY 93 is that we will have some FFF dollars funded up front. Meaning that we will know sooner if funding will be available for jumper positions in addition to the normal 60.

Gary if a reduction in jumpers numbers is required, the decision on which individuals will be effected will be made by the Overhead as a group. If you have not received a bad performance rating then you shouldn't be concerned.

WELFARE FUND

Termination party will be Oct. 10. The Welfare Fund has commissioned a 100 Fire Jump pin, cost will be \$20.00, \$10.00 paid by the Welfare Fund, \$10.00 by the individual. Current Net Worth of the Welfare Fund is \$7,000.00

VISITORS CENTER

Visitor numbers increased again this year to over 30,000 people. Wayne Williams is concerned about the impact visitors have on the ability of jumpers to do their on base jobs. As such he will reduce the size of tours through the Loft to a maximum of 15 people per tour, with 5 tours scheduled per day. In addition tour guides will reduce the amount of time they spend in the loft building and concentrate more of the tour in the Visitors Center.

NEW PARACHUTE

Gary Benavidez brought everyone up to date on the development of the new Smokejumper Parachute. He passed out copies of the Speed Memo from Missoula Equipment Development Center (MTDC) outlining the initial development steps and time frames, (see attachment #1). Gary said based on current information Missoula will buy 4 large and 2 small canopies. These canopies will be jumped next year in practice jump situations by Missoula Overhead to determine their initial suitability. Gary continued by saying that MTDC will be in charge of technical evaluation. The canopy must meet criteria listed in the Smokejumper Parachute Meeting letter March 3-4, 1992, (see attachment #2). The BLM will be involved in testing to determine suitability for their operations. Gary concluded by saying the main benefit of a new smokejumper canopy is injury reduction.

The question was asked what input will the GS-6 jumpers have in the development and evaluation of the new canopy.

Jim Cyr responded by saying that GS-6 will have input.

Bob Cunningham outlined the process used during the field evaluation of the FS-12 parachute. Seven jumpers including GS-6's were given canopies to jump for 1 field season. After field evaluation the input from those 7 jumpers was reviewed. This input was a key factor in the determination to adopt the FS-12 canopy as the current smokejumper parachute.

Gary: Overhead will be jumping the canopy in the preliminary stages of the evaluation. Once the canopy design has been finalized then a select few GS-6 jumpers will assist in the jumping evaluation.

AIRCRAFT SIMULA SEATING

Gary said all Region 1 aircraft will have Simula seating for the 1993 field season. This is a side facing bench seat system designed to improve jumper safety.

DISTRICT FIRE EVALUATIONS

Gary talked about two areas where districts have problems with jumpers. Jumpers often do not do a good job of filling out their Fireman's Reports. This is key information to the Districts and must be provided. It reflects

Mr. ARCHIBALD. The subject of potential reduction in jumper numbers was discussed at length. It goes on for two pages in here.

At the beginning of the discussion, the base manager stated performance will be the deciding factor in making any reduction, not seniority or popularity. Then there is a fair amount of input. It was further stated later on that performance should be the primary factor, and seniority should be the tie breaker. At the meeting that was just the suggestion that was thrown out.

Finally, the base manager ended the discussion by stating, in, I believe, an effort to placate concerns, quote, "if you have not received a bad performance rating then you shouldn't be concerned."

This was at the meeting in September.

At the end of the month we were laid off, and I went to my winter quarters and heard nothing more until January. In January, I received Jumper Newsletter No. 1, this exhibit right here.

[The information referred to follows:]

DECEMBER 1, 1992

JUMPER NEWSLETTER #1

DECEMBER 1992

REVIEW OF THE 1992 JUMP SEASON

1992 was an average year for the Missoula Smokejumpers when compared to our ten year average. Fire seasons in Region 3 and Alaska did not materialize having a negative effect on out of Region activity.

Vital statistics follow:

Total Number Jumpers in R-1:

MSO: 86	GAC 29	WYC 16	Total 131
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Number fires attacked or jumped:

Jumped: 225	Initial Attack 182	Follow-up fires: 43
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Total Number of Fires:

MSO: 104	GAC: 90	WYS: 36	Total: 230
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Total Number Fire Jumps:

MSO: 434	GAC: 333	WYS: 137	Total: 904
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Total Person Hours on Fire:

MSO: 25,560	GAC: 10,581	WYS: 7,382	Total: 43,523
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WINTER WORK LOAD

Winter work at the AFD is adequate to employ all 13/19 jumpers. We have been authorized to complete projects for other government agencies without using Full Time Equivalence (FTE's). This other agency work combined with FFF refurbishment will keep us busy through the winter.

1993 BUDGET AND SMOKEJUMPER STAFFING

Budget

The good news is current Region 1 A&FM budget advice tells us we are looking at an adequate budget for 1993.

Downsizing

Based on direction from the Director Aviation & Fire Management Region 1, the tentative plan is for Missoula to be staffed at approximately 60 jumpers for the 1993 field season. This is a reduction from 86 for 1992. During the last few years Jumper positions above 60 have been filled in Missoula in anticipation of national fire needs. Drought conditions in the Western U.S. have moderated thus the return to normal jumper staffing levels. The Region 1 Smokejumper Program is committed to rehiring all returning temporary jumpers for 1993. However based on the potential reduction in staffing we recommend to Missoula's temporary jumpers that they look hard at openings that may be available in Grangeville or West Yellowstone for the 1993 season. West Yellowstone will be increasing from 16 to 18 jumpers for 1993. Grangeville will probably have 2 vacancies. We will keep you updated, don't hesitate to call if you have questions.

In addition the Regional Office Aviation and Fire Management of which we are a part has been directed by the Regional Forester to reduce FTE's by 8%. This means the jumper program will have to reduce its FTE's by 1 to 2.5. It is anticipated the jumper numbers in Missoula will expand and contract over the next few years in response to fire severity. As such Missoula will maintain its core overhead in order to provide supervision when jumper numbers increase. The reduction in FTE's will be accomplished by not filling 13/19 positions as they become vacant. There will be no Reduction in Force

INJURY REDUCTION

There is a strong commitment to reducing injuries for the 1993 season and beyond. We have received many good ideas from jumpers to help in accomplishing this goal and are open to more. Contact Smokejumper Training if you have any input. Enclosed is a new Conditioning Guide for R-6 Smokejumpers developed by Redmond. We hope this will assist you in the coming months.

EMPLOYMENT DATES FOR 1993

Your employment with the Forest Service requires you to be available for work during your tour of duty. If you can not be available for the dates listed below you need to contact Smokejumper Operations, at least two weeks in advance to make other arrangements.

13/19's PP 7-19 March 21-September 18

6/20's PP 12-17 June 13-September 4

Temporaries PP 12-17 June 13-September 4

REGION 3 DETAIL

The R-3 crew will be 29 jumpers for 1993. Crew member selection for Missoula will be made by jump list order from those individuals indicating on their questionnaire they are available for long term fire assignment or detail to Region 3. We'll give you specific Region 3 Detail information in the second newsletter. Region 3 crew composition for the 1993 season is as follows.

REGION 3 OVERHEAD

Region 1 Foreman

Region 1 Squadleaders 4

Region 1 Assistant Foreman

CREW COMPOSITION

Region 1:	14	Region 6:	5
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Region 4:	6	Region 5:	4
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Total:	29
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OPERATIONS GUIDELINES

Inclosed is a copy of the Operations Jump List Policy. As identified as an Action Item in the General Smokejumper Meeting last fall the Jump List Policy is included for you to review and comment upon.

JUMP RECORDS

Inclosed is your 1992 jump and fire record. Be sure to review, update, and return this record with your questionnaire. Your Red Card Qualifications are based on this record. The Smokejumper Trainers update Red Card Qualifications in late winter and will not be responsible for misinformation based on your jump record.

QUESTIONNAIRE

Complete and return the enclosed questionnaire before January 22, 1993.

Gary V. Benavidez

R-1 Smokejumper Program Coordinator

MERRY CHRISTMAS TO YOU AND YOUR FAMILIES!!

Mr. ARCHIBALD. And in Jumper Newsletter No. 1, dated December 1—but actually I didn't receive it until January 2 because it wasn't mailed until, I think, December 18. It was sent book rate so it was further delayed over the holidays. So I just got it before I had to leave home.

In this document under the heading of downsizing, again the base manager wrote: "The tentative plan is for Missoula to be staffed at approximately 60 jumpers for the field season. This is a reduction from 86 for the 1992 season. So that is an over 30-percent reduction in the numbers. So he is stating right off the bat this is what they anticipate.

However, he goes on to say in the same paragraph, "the Region 1 smokejumper program is committed to rehiring all returning temporary jumpers for 1993." He further states, we will keep you updated.

So I read that, and I figured there is no problem. I got a job. That seems to be pretty straightforward.

I heard nothing else from the agency until March 12 of this year. I had been out of the country abroad for 3 months. In the winter, I worked as a merchant marine officer so I had been at sea.

When I was repatriated on the 11th, the day after, I got a form letter from Region 1 of the U.S. Forest Service in Missoula from an officer I had never heard of, a personnel officer, and it just said, due to budgetary constraints we have had to cut back numbers and you are "not one of those selected. Thank you for your interest in employment with the Forest Service."

What he sent me was a form letter they send to applicants—outside applicants—for jobs who were unsuccessful. No other explanation was there of why I didn't have a job.

So I didn't know what rights I had at the time, but I sought to pursue whatever they were. I called up the base. I called my former supervisor and went up the chain of command. I ultimately talked to the base manager.

What I learned in that time was that, apparently, faced with this cutback, the agency was ultimately—they got more severity funding so they were able to hire 70 instead of 86. But it worked out that there were going to be 10 people they would not be able to hire back.

So, rather than go by the evaluations—written evaluations that we had all received at the end of the season—apparently, all the jumpers got fully satisfactory—successful, excuse me—evaluations. So there is no way they could differentiate jumpers based on those evaluations.

So rather than use seniority as a tie breaker as they had indicated in the previous meeting, what they did was to decide to re-evaluate everybody. They did not inform any people being re-evaluated that they were being re-evaluated. They did not communicate the standards of re-evaluation to any of these people.

They created a form that they called the matrix, this form right here, and I have attached a copy of it to my statement that I have on the table here. As you can see if you look at it—I believe you folks have it as well—what it is is just a crosshatch with names down one side and criteria, handwritten, in the top. There is space for 12 names. There were 48 temps at the base.

What they did on February 4 is they held a meeting, all eight foremen and the base manager. Each was given four of these forms. And each one, without discussion, rated on the scale you see below, zero to four, each and every temporary jumper. The numbers were totaled on the right there.

The numbers were then, I guess, averaged and crunched in various ways.

The results were transcribed onto a master list that numerically ranked every 1 of the 48 jumpers. Then each and every one of forms was destroyed that they had filled out. It was not lost. It was intentionally destroyed. It was shredded.

So there is absolutely no record of the original data that led to those numbers on that list.

When—I was incredulous when I heard this because my understanding is every employee has a right to see documents relating to their performance. When I asked about that I was told these are not really evaluations. These are "work sheets" and—"work sheets—work sheets developed in the course of a selection process"—

Mr. McCLOSKEY. Who told you that for the record since I think Mr. King is interested in such things for the record?

Mr. ARCHIBALD. I was told that, actually, by the, I believe, personnel clerk at the base and also—there are only four people I talked to. I talked to the two foremen in the chain of command, the base commander and personnel clerk. I got more or less the same story from all of them.

When I asked how this could be, they said when you are engaged in a selection procedure, any work sheets that are developed, which I understand to be scratch paper, are destroyed. They are not kept. These were treated as work sheets. They were destroyed. And all that was left was this list of names and numbers.

When I asked the two foremen I spoke to, well, "how did you rate me?" they had difficulty remembering. They said, well, "I think I gave you average marks."

When I asked the base manager when did this meeting take place—when I initially asked him he wasn't quite sure what year it was. There was this institutional amnesia that accompanied this destruction of records. I became very suspicious.

I was told at the time that I could file what they call an informal agency grievance, which amounts to just writing a letter to your boss's boss and that I did. And the results of that—all my concerns were totally denied by the agency.

I have talked to other people. I talked, actually, to an officer of the OPM, and I expressed my concerns to that person. And their first comment to me when I mentioned I had been a temporary was, basically, "you have no rights, period."

When I explained the development of this matrix and how it was destroyed, and they—in a sense, they evaluated us twice. And the response of that person was, well, "obviously, they didn't do it right the first time." That was their response.

So I figured that was not a very good approach to seek redress.

But I talked to some other people both in and out of Government, legal counsel and other people who are familiar with these things,

and virtually everyone I talked to was incredulous that an agency would consider or even think of doing such a thing.

At the same time, they advised me that there is really not a whole lot I can do because, while an agency may have violated its own policies or regulations or even ethical considerations, there is no mechanism that I can use short of just writing a letter to my boss's boss to seek redress. There is no binding power or authority outside that can decide these matters other than the Equal Employment Opportunity Act. Essentially, that is the situation I am left in.

I am basically told by people in so many words that, "we can do anything we want to do." There are no regulations in this matter.

That is essentially where the case stands at the moment.

Mr. MCCLOSKEY. Thank you.

Mr. ARCHIBALD. I have suggestions for changes in the law. They are in my statement. I have gone overtime, but I can mention what they are or leave it to questions.

Mr. MCCLOSKEY. Thank you.

[The statement of Mr. Archibald follows:]

PREPARED STATEMENT OF ROGER ARCHIBALD, FORMER SMOKEJUMPER, U.S. FOREST SERVICE

Let me begin by thanking the committee for this opportunity to testify before you again on the subject of temporary employment within the Federal Government. It was just about eleven months ago when I last testified, on July 25, 1992, to the former Subcommittee on Human Resources in session at Missoula, Montana. At the time I was employed by the U.S. Forest Service as a temporary smokejumper based at the agency's Aerial Fire Depot.

Subsequent to that testimony, my employment relationship with the Forest Service summarily ceased, even though I had received a "Fully Successful" performance evaluation for my work during 1992. After six seasons of jumping during which I accumulated almost one hundred jumps, I was simply informed by the agency that, due to budgetary constraints, I was "not one of those selected" for a smokejumper position in 1993.

BACKGROUND

I have been a civilian temporary employee of the Federal Government on and off since 1980; previous to that, I was an enlisted man in the U.S. Navy from 1965 to 1970, service which entitles me to a five-point Veterans' Preference in Federal employment.

In June, 1980 I was hired as a temporary GS-3 fire guard (Park Technician series) by the National Park Service at Redwood National Park, California, a job that continued only through the summer fire season. I returned to that position during the summers of both 1981 and 1982. Between February and April of 1983, I took a temporary winter seasonal GS-4 position in interpretation with the Park Service at Independence National Historical Park in Philadelphia, Pa. where I had been attending graduate school, and where I continued to reside. During the following summer, I worked very briefly as a GS-3 temporary firefighter for the Bureau of Land Management, Carson City (Nevada) District, assigned to an engine station in Doyle, California. Then I returned to the National Park Service for the balance of the summer employed as a temporary GS-5 Interagency Information Specialist at Gates of the Arctic National Park and Preserve in Fairbanks, Alaska.

In May, 1984 I was hired by the U.S. Forest Service as a temporary rookie smokejumper candidate at the Northern California Service Center in Redding, California. On my seventh, and final, rookie training jump, I sustained a fractured left ankle and was medically restricted from doing anything other than light duty for the remainder of the season. The following year, I returned to Redding after recovering from my injury, and was again required to complete the full course of rookie training. After successfully doing this, I finished the season with a total of ten fire jumps.

In December, 1985, over two months after my temporary seasonal smokejumper position with the Forest Service in Redding, Ca. had been terminated, I received in

the mail a numerically based evaluation of my job performance that indicated I had performed unsatisfactorily. Based solely on an average of rating numbers, and no other remarks or supporting evidence of any kind, I was told I would not again be rehired as a temporary smokejumper by the U.S. Forest Service in Redding, California.

This notification was the first indication to me from anybody in a supervisory capacity that my job performance was anything other than completely satisfactory. At no time during the 1985 season was I ever given either verbal or written advisories about my alleged performance shortcomings. Nor had any standards for evaluation ever been communicated to me during this same period of time.

My only recourse was to initiate the three-step grievance procedure stipulated by the agreement between the Forest Service and the National Federation of Federal Employees. Unlike most other temporary employees in the agency, those working on the Shasta-Trinity National Forest (which had personnel administrative responsibility for the Redding, Ca. smokejumper base) were covered by this contract's provisions. My efforts in seeking relief through this means, however, were fruitless. The case eventually ended up eighteen months later in Federal arbitration, where I again lost.

In making my case, I produced evidence of several occasions where supervisors made untrue statements concerning my performance. The arbitrator was satisfied that my version of events was true and accurate, and stated so during the two-day hearing. He nevertheless ruled against me in his final decision, however, which was based primarily on his strict reading of the contract. That agreement contained no provision requiring parties to be honest in their dealings with one another. Thus, complaints arising from claims of dishonest and duplicitous treatment at the hands of one's supervisors apparently were simply inadmissible, since the contract did not specifically forbid such behavior.

That was my first encounter with what appears to be a systematic and institutionalized axiom of human resources management within the U.S. Forest Service: that unless a specific agency policy or directive exists to the contrary, anything goes.

Presuming my opportunity to work in this public service had come to an end, I returned to the private sector. But, as anyone who has ever successfully done the job will tell you, smokejumping casts a lifelong spell over its adherents. I kept submitting applications, and in 1989 I was again offered admission, this time by the base in Missoula, Montana. There was a price, however: successful completion of rookie training yet a third time.

That I did. And I have continued my career as a temporary smokejumper at Missoula ever since, accumulating forty-four fire jumps and ninety-four total jumps through the end of the 1992 fire season. During that time, I have never received an unsatisfactory performance evaluation and have always been led to believe my job awaited me the next season, even when the organization faced the imminent possibility of significant cut-backs, as it did this year.

When not on fires, I have sought to play an active role in the organization back at the base. I have routinely volunteered for project work. I have completed all the prerequisites for F.A.A. Senior Rigger certification, and have been cleared by the Loft Foreman to pack main parachutes for use by all jumpers. Utilizing my experience in visitor services while employed by the National Park Service, I have served in the Smokejumper Visitors Center, providing tours of the base and information to members of the public.

Beyond the functions of the job itself, I additionally have organized blood donation efforts for which the American Red Cross certified its appreciation. I've taken responsibility for assuring the kitchen in the smokejumpers' dormitory remained clean and sanitary. And in July of 1992, I accepted your invitation to testify before Congress about some of the problems faced by temporary employees of the Federal Government. In short, I believe I've been a good citizen.

CURRENT DILEMMA

The text of my remarks at last summer's hearing is already a part of the record of the Subcommittee. So I won't reiterate its contents here. But many of the serious concerns of temporary Federal employees I expressed before the Subcommittee convened at the University of Montana in Missoula on July 25, 1992 became personally quite relevant for me by subsequent events occurring within the Missoula smokejumper organization during this past Winter.

As indicated above, the base faced a potential reduction in temporary personnel of over thirty per cent. Special severity funding made available due to anticipated extreme fire conditions over the past two seasons had resulted in an increase of the base staffing level from the normal compliment of sixty jumpers to eighty-six. With

weather extremes abating and precipitation reaching more normal levels, it was anticipated that severity funding would be similarly curtailed, creating a budgetary short-fall if all 1992 temporary smokejumpers sought to return in 1993.

With this in mind, the Base Manager had let it be known from the beginning of the season that if such reductions became mandatory, they would not be based on seniority or funding status, but rather on individual performance evaluations. For this purpose, he was re-instituting the practice of providing each temporary jumper with a written performance evaluation at the end of the season, something which had been discontinued for the previous two years following objections from the National Federation of Federal Employees that were never clarified to the temporary employees.

Because of my previous bad experience with evaluations while serving at the smokejumper base in Redding, California (detailed above), the plan by this supervisor to base potential reductions in temporary personnel solely on performance evaluations sounded an immediate danger signal. I was concerned about the possible subjectivity that can influence such appraisals, especially if the evaluators are aware in advance that their ratings will determine who keeps or loses their job. I wondered how they would proceed if every temporary received a satisfactory evaluation, and were thus unable to be differentiated. And the idea that management would completely ignore in its decision such a basic element of the profession as jump experience—something acquired at considerable expense to the taxpayer, but which management nevertheless constantly promotes as being fundamentally necessary to both the development of safe jumpers and the reduction of injuries—seemed simply unfathomable.

Toward the end of the fire season on September 15, 1992, a general smoke jumper meeting was held at the Missoula base during which the subject of the potential reduction in temporary employees was discussed at length. As verified by the official minutes of that meeting (a copy of which was sent to each temporary jumper after termination of the fire season), many different ideas and concerns were voiced, but the position of the Base Manager remained unchanged throughout. He opened the discussion by stating, ". . . Performance will be the deciding factor, in making any reduction, not seniority or popularity." Somewhat later, he closed it when he said, "If reduction in jumpers numbers is required, the decision on which individuals will be effected (sic) will be made by the Overhead as a group. . ." (Overhead is Forest Service jargon for supervisors.) In an apparent effort to placate those voicing concern about his stated policy, he added, "If you have not received a bad performance rating then you shouldn't be concerned."

A little over two weeks later, I did receive my written performance evaluation for the 1993 season. It was "Fully Successful." The supervisor responsible for preparing it said he had gone over all the crew reports of fires to which I'd been assigned during the season, and had found nothing to indicate I had performed in any way other than satisfactory. I received it on October 1, 1992 and the Base Manager signed it the next day.

After being terminated at the end of the fire season and returning home, I heard nothing from the Missoula Smokejumpers until early January, 1993 when I received the first off-season newsletter. It was dated Dec. 1, 1992, but inexplicably had not been mailed until Dec. 18. And because it was sent "Book Rate" (Special 4th. Class—Printed Matter), even though it contained personal communication, it did not arrive until January 2, 1993, the day I departed my home for three months at sea in my winter job as a Merchant Marine Officer.

Under the heading of "Downsizing," the newsletter reported that the Missoula Smokejumper Base anticipated a reduction in numbers of over thirty percent for the 1993 fire season—a cut-back from eighty-six to sixty. It would all be absorbed by the temporary jumpers. The special severity funding received over the previous two years would apparently not be forthcoming in 1993, thus the retrenchment. However, despite full recognition of this fact, the Base Manager nevertheless went on to write, "The Region 1 Smokejumper Program is committed to rehiring all returning temporary jumpers in 1993." His only qualification of this affirmation was that, ". . . Missoula's temporary jumpers . . . look hard at openings that may be available at Grangeville (Idaho) and West Yellowstone (Montana) for the 1993 season." He was referring to the two other smokejumper bases in Region One (Northern Rocky Mountains) of the U.S. Forest Service. He concluded his remarks on the subject by stating, "We will keep you updated."

Attached to the newsletter was a short questionnaire to be filled out and returned by each recipient no later than January 22, 1993. It asked only two things: preferred refresher training (early/April or late/June)? and preference in regional jump bases (Missoula, Grangeville or West Yellowstone)? I presumed that a proper response to the "look Hard" suggestion concerning regional jump bases (above) could

be made on this form, and selected West Yellowstone as my first choice, followed by Missoula and Grangeville.

Despite the Base Manager's assertion to the contrary, this newsletter was the last "update"—or any other communication for that matter—I ever received from him.

During the ensuing winter, I served as Second Mate aboard a fully inspected (by the U.S. Coast Guard) U.S.-flag Sailing School Vessel embarked overseas between 5 January and 11 March, 1993. Upon repatriation, I received at my shipboard address a rather terse letter from an official in the Forest Service Region One personnel office. It informed me that I was "not one of those selected" for a GS-6 Smokejumper position for 1993, and concluded by thanking me for my "interest in employment with the Forest Service." Just two paragraphs, that's all—a form letter normally only provided to unsuccessful outside candidates for agency positions.

What that letter failed to report speaks volumes about the approach the Forest Service takes toward its temporary employees.

It made no mention of the fact that all temporary employees of the Missoula Smokejumper Unit had been subjected to a clandestine re-evaluation procedure totally without their knowledge. Both the proceedings and the results of this gathering were never intended to be reported. A crude evaluation form referred to only as "the matrix" was manufactured by hand and criteria assigned to it were never further defined or discussed by the group of smokejumper foremen—the "overhead"—who all were directed to use it to re-evaluate each and every one of the forty-eight temporary jumpers who had been terminated four months earlier. The authorship of ratings assigned to specific temporary smokejumpers on the matrix was intentionally anonymous. Quite in contrast to the routine standards of written performance evaluations, no provision was provided on the form for supervisors' name or signatures. It hardly needs to be mentioned that the normal practice of communicating evaluation standards to affected employees themselves was also totally ignored in this event.

While the matrix contained a space for "remarks," whether or not any one of the overhead ever made any such entries will never be known, since once their numerical ratings had been recorded, averaged, collated and transcribed onto a master list numerically ranking all temporary smokejumpers, the original matrix forms—the only evidence relating individual supervisors' ratings to individual smokejumpers—were destroyed.

"I shredded them," the personnel clerk for the jump base reported.

The rationale provided for this destruction of evidence of their surreptitious deliberations was that these documents now were not actually evaluations as such, but rather "work sheets" developed in a "selection" process which are routinely destroyed once selections have been made.

The resulting list numerically ranking all temporary smokejumpers—what might be termed as "reverse register" since its sole purpose was to eliminate jobs rather than fill them—was used to determine which eligible returning temporary jumpers would be "selected" and who would not.

Since it was produced in secret, completed anonymously, then destroyed so that any evidence linking any supervisor to any assigned rating would be forever eradicated, what the matrix ultimately created is a blacklist.

Presumably, a cut-off point was determined and those falling below it were not selected. But when I asked that question directly to a foreman who had participated in the proceeding, the best he could say was, "more or less." The Base Manager declined to answer the same question. And further attempts on my part to obtain information from unit supervisors have been curtailed by directives to them from the Regional Office not to discuss the case with me.

Before this gag order was issued, however, the best justification that could be offered by any Federal official for the agency's own performance in this matter was basically, "We can do anything we want to do." I was told repeatedly that there are no regulations or directives which in any way limit the methods a Federal agency may choose to eliminate temporary employees. More than one person reiterated what an O.P.M. official flatly stated to me: "Basically, as a temporary, you have no rights." When I recounted to that person the surreptitious creation and implementation of the matrix, detailed above, their only reply was, "Well, obviously they (evaluating supervisors) didn't do it right the first time."

Yet when I have explained these same circumstances to other people, both inside and outside the Civil Service, who are knowledgeable about Federal Government policies and practices, but who have no connection with the specific agency units involved in this case, they are incredulous. They confirm my belief that in creating this thing called the "matrix," the U.S. Forest Service not only ignored its own policies and practices, but it has also significantly violated broad ethical standards relating to the way employers everywhere treat their employees.

Unfortunately, the same people advise me that there is little under current law that I can do about it. Short of engaging in costly, lengthy litigation the results of which, in view of past cases, would not likely be successful, I have no recourse as an aggrieved temporary Federal employee to seek effective relief. None that any Federal agency has to take seriously, that is, unless I fit into one of the categories covered by the Equal Employment Opportunity Act. Thus, the condition is created that's been repeatedly stated to me: "We can do anything we want to do."

What they're really saying is, "We can get away with anything we want to do." And until this situation is legislatively relieved, I'm afraid they're right.

RECOMMENDATIONS

In light of what I have experienced as a former temporary employee of the U.S. Forest Service, I believe the following recommendations should be implemented into law to prevent any Federal agency from ever treating any temporary employee in this manner again. I am well aware that Congress is mandated to prevent the cost of effective government from rising, and I believe this concern is reflected in my recommendations. I do not believe the implementation of any of them will significantly increase the cost to the taxpayer.

(1) There needs to be an established standard for written performance appraisals to be provided to all temporary employees at the completion of their service. It should be based solely on criteria communicated to them by a statement that they sign at the outset of their employment. Any performance less than satisfactory should be documented in writing and signed by the supervisor observing the performance. Employees should be promptly informed whenever any less-than-satisfactory performance occurs so they have the opportunity to correct it and improve. Any documentation developed pertaining to any employee's performance should be protected by law from destruction by the employer. All employees should have the right of access to any documentation produced by the employer pertaining to their performance and employment in general.

(2) There needs to be a systematic and efficient grievance procedure instituted for temporary employees that goes beyond the right to petition your supervisor's boss. The existing three-step grievance process mandated by the contract between the Forest Service and the National Federation of Federal Employees should be extended to cover all temporary employees of the Federal Government. Eventual culmination of such complaints by temporary employees should involve mediation and arbitration services completely independent of any of the parties involved. And once in place, employing agencies should be required by law to inform all their temporary employees of their rights and options under the law.

(3) In the event that an agency cannot rehire all its temporary employees who have performed satisfactorily in a previous season (as documented in writing following #1, above), the selection of those it can re-hire, after giving proper consideration to written Affirmative Action plans already in place, should be based on a seniority system directly tied to the date when an employee was first hired to do the job for which he or she is being considered for re-hire. In cases where two or more persons share the same date, their individual seniority should be determined by their relative place on the original applicant register developed by the personnel office when they were first hired.

As an alternative to the above, an agency faced with a reduced number of positions could instead elect to have all former temporary employees seeking re-hire file an updated Application for Employment (Standard Form 171), and then fill their positions according to established personnel standards and practices relating to selection.

In conclusion, I believe all of these recommendations are reasonable and feasible. They are nowhere near as stringent as existing policies concerning the manner in which career Federal Government employees are treated under similar circumstances. To a great extent, they are identical to practices currently followed by many employers in the private sector. Finally, if the ultimate goal is to get improved work from an improved work force, they just make good sense.

Thank you very much for your time and consideration of my testimony.

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POINT SYSTEM:
0 = UNACCEPTABLE (NEED documentation)
1 = NEEDS improvement
2 = SATISFACTORY
3 = ABOVE Average
4 = SUPERIOR (NEED documentation)

EMT/MEDICAL SPECIALIST = 1 ELE TRAINED/BLASTER = 1 SENIOR/MASTER Rigger = 1
STRIKE TEAM LCDR OR > = 1



United States
**Office of
Personnel Management**

Washington, D.C. 20415-0001

In Reply Refer To:

Your Reference

Mr. Roger W. Archibald
4618 Spruce Street
Philadelphia, Pennsylvania 19139

AUG 5 1993

Dear Mr. Archibald:

We have thoroughly reviewed the material you left with us and have also conducted a review of hiring procedures with the U.S. Forest Service Region One in Missoula, Montana.

As I am sure you know, OPM's jurisdiction over positions in the excepted service is necessarily very limited inasmuch as the purpose for the exception is to remove the positions from the provisions of law and OPM regulations governing employment in the competitive civil service.

In essence, we basically confirmed what the Forest Service told you in response to your grievance. According to Region One personnel representatives, 1993 is the first year that they have had more reappointment eligibles than positions to offer them. This resulted from the higher than average number of seasonal appointments made in 1992 and reduction in position funding for the 1993 season.

After considering the views of smokejumpers, management decided to base reappointments on the results of an evaluation of seasonal employees, using the six performance-related criteria contained in the matrix that the Forest Service sent you. The Aerial Fire Depot foreman and five or six other supervisors rated each candidate on the six factors.

Of the 48 reappointment eligibles, the Aerial Fire Depot and sub-bases at Grangeville and West Yellowstone hired 41 individuals. Of the remaining seven, two were appointed by other installations, three declined or were unavailable, and two were not selected. You were rated number 46 and the other individual not selected was rated number 48.

Since the Forest Service determines the criteria it will use to reappoint its excepted service smokejumpers, we are not in a position to question its methodology. We can say that the procedures used appear to be job related and appear to have

-2-

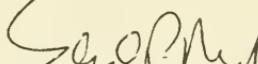
been applied fairly and uniformly. The agency insists that your age and exercise of free speech played no part in its decision and that reappointment was determined strictly by the combined rating on the six factors. Your veterans' preference was no help because you were not passed over to select a lower-ranking non-veteran.

Should you continue to believe that the agency's actions violated the Prohibited Personnel Practices in law (5 U.S.C. 2302), you may appeal to the Office of the Special Counsel by writing to them at 1120 Vermont Avenue, NW, Washington, DC 20005.

You may be interested to know that we are undertaking a review of all Schedule A excepted service appointing authorities, including those of the Forest Service, with a view toward simplifying and streamlining the appointment process. This could have an effect on Forest Service policies for the coming year so you should stay in touch with your personnel office if you intend to seek reappointment in 1994.

I can appreciate your disappointment at not being offered reappointment as a smokejumper. I hope you have been able to locate other equally challenging and rewarding work.

Sincerely,



Edward P. McHugh, Director
Staffing Policy Division



United States
**Office of
Personnel Management**

Washington, D.C. 20415-0001

In Reply Refer To

Your Reference

Mr. Roger W. Archibald
4618 Spruce Street
Philadelphia, Pennsylvania 19139

JUL - 2 1993

Dear Mr. Archibald:

Thank you for sending the documentation concerning your complaint against the U.S. Forest Service. We have asked OPM's Office of Agency Compliance and Evaluation to look into your complaint and determine whether the Forest Service's reappointment procedures violated legal or regulatory requirements. We will keep you informed of the results of that review.

Sincerely,

Edward P. McHugh, Chief
Staffing Policy Division

EMT/MEDICAL SPECIALIST = 1 FLE TRAINEE/BLASTER = 1 SENIOR/MASTER Rigger = 1
STRIKE TEAM CDR OR > = 1

Mr. McCLOSKEY. Did Mr. Campbell have any comments or observations?

Mr. CAMPBELL. Good morning.

First of all, I thought I was crazy for going into fires, but this guy has a lot of nerve to do what he does, jumping out of airplanes going into forest fires.

Our situation sounds the same with the temporary status in term status. Who classifies what, how it is classified, we don't know.

OPM, we talked to them—

Mr. McCLOSKEY. You are out there on the job now at Brecksville?

Mr. CAMPBELL. I work at the VA Brecksville unit in Cleveland, OH. I am employed there. I am one of the lucky permanent fire-fighters out of four.

Again, I just lost two of my temporaries because they say that they would not renew the last two that I lost. I am losing two more in October. Unfortunately, three of the four temps come October are vets—Vietnam vets, a Navy vet and a Marine Corps vet. Unfortunately, the last one that will be leaving in October is one of our gentlemen that has been there 8 years, as a temporary, not a term.

That is why I say we want to know the explanation of why is it called a temp instead of term. Why do we have neither one?

This job is not seasonal, you know, compared to what Mr. Archibald's was. This is, again, a 365-day-a-year job.

Mr. McCLOSKEY. Thank you, Mr. Campbell.

I think all three of you have heard my concerns and the concerns of my two colleagues. I think, frankly, specifically as to most of the concerns you raise. I must say I was impressed very much by Mr. King's presentation. I know from his public and private statements he is very aware of all the inequities in the area, and I think he is committed to major changes. But for Mr. Haywood and Mr. Campbell, I guess one of the thoughts that comes to mind is you are, in essence, VA employees, right, firefighters for the VA.

Mr. HAYWOOD. That is right.

Mr. CAMPBELL. Yes.

Mr. McCLOSKEY. Are there other locations where there are temporary fire fighters in the civil service?

Point of background for conversation, we in Indiana have fire-fighters in the Federal service at Crane working for the Department of Defense and I know they are permanent employees with full benefits, full rights, pension, health care, retirement, grievance, you name it. Obviously, if we have people in similar positions in the Federal service doing identical duty year after year but by reason of administrative or agency differentiation they are getting treated grossly differently, Mr. Haywood, I would say there is a real equity problem right there in fire services, wouldn't you agree?

Mr. HAYWOOD. Yes, sir. Like doing the survey we conducted, we keep communicating among the different VA's, we are fire departments, and at this point it appears that most installations utilize the temporary system within the OPM guidelines pretty well. At this moment, Brecksville is really the one that really we feel is exploiting this system.

Mr. Chairman, another thing—

Mr. MCCLOSKEY. To my specific question on that, are there other locations that you know of treating permanent firefighters as temporaries?

Mr. CAMPBELL. May I ask, are you talking strictly the VA or Department of Defense?

Mr. MCCLOSKEY. I am talking to your knowledge.

Mr. CAMPBELL. Strictly the VA, of our 32 or 33 VA's that have fire departments, there might be 3 counting myself. OK? What you are talking about, 550 roughly firefighters, there may be 30. We have the largest amount right now.

Mr. MCCLOSKEY. Ninety-five percent are being treated as permanent, right?

Mr. CAMPBELL. Right.

Mr. MCCLOSKEY. There is an inequity right there.

Mr. CAMPBELL. May I tell you this, more than 10 or 30 percent of the VA's in that listing were temporary firefighters and they made those gentlemen permanent, also because of the fact some of their fire chiefs did not want temporary firefighters; they wanted all permanent because basically it is like what I call the stroke of a pen that made the people permanent. The fire chiefs wanted to suggest through their OPM, personnel office, that we wanted full-time firefighters, permanent, not temporaries.

Mr. MCCLOSKEY. What benefits do your temporary people have now?

Mr. CAMPBELL. Zero. We are—our temporaries are GS-5, step 1 firefighters. They do not have the right to get a step increase. Not getting a step increase is like money out of the pocket, you know. It was \$500 or \$600 a year especially on these guys.

Mr. MCCLOSKEY. Thank you, Mr. Campbell.

I might say I am kind of jealous of your life overall despite these problems, Mr. Archibald, smokejumping, merchant marine officer, excitement, ports of call every month of the year.

Mr. ARCHIBALD. It always looks more exciting from the outside though, than from the inside, I assure you.

Mr. MCCLOSKEY. The movie fare in smokejumpers is everyone is 19 to 21. I suspect you might be over 25.

Mr. ARCHIBALD. I sometimes feel the agency wished it were that way. Their policies have actually resulted, though, in a gradual increase in the age of jumpers because it used to be considered one of the primary entrance routes to the agency. Forestry students would go to the University of Montana and jump for a couple years in Missoula. Usually in your second year you were given a career appointment, a 6 and 20 appointment. That meant it guaranteed you six pay periods of work every year. That allowed you to apply for other jobs.

If you were a forestry student or something, when you graduated you were in perfect line to apply for forestry positions, but they ended that in 1984. Since then, jumpers who have wanted to move up and out and get out into other positions in the Forest Service have been to a certain extent stymied.

Mr. MCCLOSKEY. How many years of Federal smokejumping service do you have overall?

Mr. ARCHIBALD. I rate it by seasons. I don't know what the total year count would be, but I have six full seasons since 1984-1984 and 1985 and 1989 through 1992.

Mr. MCCLOSKEY. What is a season? Six months?

Mr. ARCHIBALD. It is about 3 months. It depends on the place. In northern California, it is a month or two longer, and the northern Rockies, it tends to be a little shorter; Alaska. But 3 months is generally—they actually budget it for six pay periods and then as needed funding is made available to keep coverage until the fire season ends.

Mr. MCCLOSKEY. How about health insurance and other benefits? Could you tell me your experience on that?

Mr. ARCHIBALD. There is absolutely no health insurance, no retirement, as the gentleman pointed out. The only benefits really above and beyond what are required by law—I mean, when I hear people talk about Social Security as a benefit the agency it is giving, I have a laugh, because we all get it. But the only benefits above and beyond these statutory requirements are annual leave which all temporaries get at a minimum of 4 hours per pay period and sick leave, which all temporaries get and all employees. I get it at 2 hours per pay period.

After you have 3 years' Federal service, it goes up to I believe 6 hours per pay period. Those are the only two benefits per se that I am aware of that they give you that they are not required to give you by law, as I understand it.

Mr. MCCLOSKEY. This is fantastically dangerous specialized service. What is your pay, typical pay per season? How was it allocated?

Mr. ARCHIBALD. My total take home, you mean?

Mr. MCCLOSKEY. Describe how much you make. What was your pay like?

Mr. ARCHIBALD. The attraction of the job is primarily the pay, to be honest; that sounds unusual.

Mr. MCCLOSKEY. Sounds interesting.

Mr. ARCHIBALD. It is the overtime and hazard pay. If there were no fires in the whole season, you just sat at the base all year, it would be a poor season. Jumpers in general have a good year—a good year is a year with lots of fires. The base pay for a rookie smokejumper is GS-5 and then for a smokejumper with 1 year experience and more, it is GS-6. You could jump for 30 years and it is going to be GS-6. It will be GS-6, step 1. Never go above that. That is your base pay.

As that base pay increases, your pay increases based on cost-of-living allowance and things like that. As far as overtime, you get paid time-and-a-half for every hour over 8 hours per day. If you work on the weekend, you get time-and-a-half for every hour. I believe the hazard pay is rated at 25-percent increase over your base pay. So it is another 25 percent thrown on.

You get hazard pay for every hour you work in any day where you incurred a hazard. So if you come to work at 8 or 9 o'clock in the morning and you go all day and jump a fire at 6 o'clock in the evening and you work to midnight even though you were only experiencing the hazard for 6 hours, you get hazard pay for every hour from when you reported for work that day. That is a benefit, too.

Mr. MCCLOSKEY. A typical season could be what, \$50,000, \$60,000?

Mr. ARCHIBALD. Oh, no, no, I would say the best season I ever had—that was a long season from beginning of May until the end of September, I made \$16,000.

Mr. MCCLOSKEY. \$16,000?

Mr. ARCHIBALD. \$16,000, and I usually get \$10,000 to \$12,000, that is with overtime, hazard, and everything. That is working essentially a 3-month season, June through the end of September.

Mr. MCCLOSKEY. OK.

Anything else? How about your points? They are on the record, but for the benefit of all of us why don't you just, Mr. Archibald, list your legislative and policy suggestions.

Mr. ARCHIBALD. There are three things I have and I will try to summarize them. The first one concerns performance evaluations, and I had no idea it was really necessary because it has been my experience that this has already been sort of the institutionalized case everywhere. A performance evaluation, the primary purpose is to help an employee improve their job. So the very idea of evaluating an employee's performance and then destroying the record I find totally ludicrous.

Mr. MCCLOSKEY. We will go along with that, and we raised that to Mr. King.

Mr. ARCHIBALD. And communicate the standards, sign-up when you come to work, if there is a problem, let you know. If you are less than satisfactory, document it and give you a signed statement at the end.

Second, I am concerned about the grievance procedure and essentially the concerns you made. There has to be some system whereby a temporary can take a grievance to someone other than just the next person up the chain of command. They should go through that step proposal, similar to the NFFE contract, but there should be some independent arbitration or mediation authority that can decide.

Finally, on the issue most near to my heart is the business of layoffs. In fact, with temporaries who work seasonally, it is not a layoff; you are all laid off. It is a matter of reselection.

I realize that in the future, as the Government has to pare back and cut costs, I understand Mr. King mentioned that the Department of Defense is going to have to significantly cut its temporary force. There will be a time, obviously, when lots of these decisions are going to be made. Rather than just sit down and shoot from the hip, is really what this is, I think there ought to be a standard practice. My suggestion is that you just use seniority—I should amend that, first you take into account existing affirmative action plans, written affirmative action plans in place, and after consideration is given to those, just go by strict seniority. By that, I mean the original date that you were first hired to do that job at that site, not somewhere else but at that particular site.

In the case of smokejumping, that could be problematic. They are hired in a class sometimes and they all report on the same date. If you had 20 people hired at the same time, and you have to lay off 10, how would you do it?

I have two suggestions: Either you go back to the original employment register, the document that was created from the applications, the SF-171's, and you take their ranking on that register and you go in reverse order along that. That would be one way.

The other way is to say, "we are faced with a reduction next year." Instead of giving anybody the noncompetitive rehire preference, say, "we will not give that to anybody." Everybody fills out a new SF-171, and rerate those and come up with an employment register, and do it that way.

Mr. MCCLOSKEY. Two quick questions and we are going to have to move this to finish up when we need to. But did anyone in all this experience coming out of your last appearance with Mr. Kajorski, did anyone in a supervisory position or related position; in essence, let out any clues that you will be persona non grata, or comment or roll the eyes?

If no one did, I will say—assuming what happened that you were suspicious of happening, they would be amazingly gifted and slick administrators if there was not one clue anywhere other than the terminal dump.

Mr. ARCHIBALD. Nobody did it in my presence. That is all I can state.

There are some other issues. I think the fact that I was the only person in the meeting on September 15 who vehemently opposed the primary use of performance evaluations the way they had it—but I developed that further in my statement—I was the only person in that meeting who opposed that. Other people said, "I don't know, maybe. . . ."

But I had a similar problem when I jumped in Redding, CA, again, with a performance evaluation that was sent to me months after the fact. I just said, "you are opening up a can of worms if you only do performance evaluations; you should come up with something that you can justify because of the possibility of subjectivity."

I think as it turned out, they made all the wrong moves as far as this matter was concerned.

Mr. MCCLOSKEY. How about safety? What is the track record on serious injuries and fatalities among your brethren?

Mr. ARCHIBALD. The track record on fatalities is very small. Until 2 years ago, there had been only three fatalities in the 50-odd-year history of the program, and only one of those occurred between the plane and the ground. It wasn't due to a malfunctioning parachute, it was due to a misroute of a static line that caused a jumper to break his neck.

The other two fatalities resulted in errors when letting down out of a tree. The jumper landed in the tree and had to get to the ground. So they were not related to the parachute equipment but errors the jumper made.

Two years ago a jumper was killed in an experimental capacity, testing a new parachute, and so that was the fourth fatality. Actually, I have to amend that, there were three Forest Service and one of those others was with the Army who was doing jumping.

Mr. MCCLOSKEY. If tragically that happens to your brethren on occasion, what are the provisions for Federal life insurance?

Mr. ARCHIBALD. I have no recollection. That is something that is never discussed.

Mr. MCCLOSKEY. That is an amazing thing, in something that hazardous, if major life insurance is not provided as a matter of course.

Mr. ARCHIBALD. I should point out that the risk to life in the job, at least based statistically, is not that great.

Mr. MCCLOSKEY. I understand.

Mr. ARCHIBALD. The risk to injury is much, much higher. Last year, they had a significant increase in injuries to jumpers. In fact, the rookie class became known as the glass class because of so many injuries.

Mr. MCCLOSKEY. And can you comment on economic repercussions as to injuries?

Mr. ARCHIBALD. All injuries are on the job, so that the policy is, I believe I should know; I broke my ankle in 1984—you get full pay for 45 days and then you go to workers compensation. So you get Department of Labor picking up a portion of your salary, and you are maintained on that level until you recover and are back to jump status, or until some determination for settlement or something else is made if you, in fact, will never be able to jump again.

Mr. MCCLOSKEY. Are you aware of any medical injuries, not where directly or indirectly were compensated from the Federal service?

Mr. ARCHIBALD. I am aware of a number of problems and complaints by people who were—who received career ending injuries and who felt they were treated very shabbily by the agency. I don't want to mention any names but there are three or four that come to mind.

Mr. MCCLOSKEY. Could you provide them, not to put anybody on the spot but maybe he would talk to them or provide the committee with some background on what I think is something that we would like to know?

Mr. ARCHIBALD. I would be happy to. Are you interested in temporaries or all?

Mr. MCCLOSKEY. Use your judgment. You are a good communicator.

Mr. ARCHIBALD. My understanding is temporaries and permanent employees are treated the same when it comes to injuries, compensation and so on.

Mr. MCCLOSKEY. I have no further questions.

Mr. HAYWOOD. I would like to address one more issue, Mr. Chairman.

Like you stated earlier, as far as appeal rights for temporaries and grievance procedures, and so on, being a AFGE officer now, as I testified, I do cover the whole installation and different departments and some of the terms, the supervisor uses these meetings as far as they have no appeal rights to intimidate certain individuals, seeing individuals get laid off because they have caused waves or have disagreed with management, and I do feel this is an area that is needed to be addressed, too. Thank you.

Mr. MCCLOSKEY. I thank you very much, gentlemen. I hope we will get some things resolved out of all of this today.

Our concluding panel are three, Mr. Robert Keener, president of the National Federation of Federal Employees; Robert Tobias, president of the National Treasury Employees Union; and Bobby Harnage, national secretary-treasurer of the American Federation of Government Employees.

I have read all three statements and I welcome you. You obviously see how the hearing is going with some of the concerns the committee is raising, and the replies from Mr. King.

Your statements will be included in the record. You may proceed as you wish.

STATEMENTS OF ROBERT KEENER, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES; ROBERT TOBIAS, PRESIDENT, NATIONAL TREASURY EMPLOYEES UNION; BOBBY HARNAGE, NATIONAL SECRETARY TREASURER, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. KEENER. Mr. Chairman, and distinguished members of the committee, I am Bob Keener, president of the National Federation of Federal Employees.

I would like ask that my statement be made a part of the record and I would like to summarize some points from my statement.

The National Federation of Federal Employees represents temporary Federal workers in many Government agencies. In fact, we have several locals comprised entirely of temporary Federal employees. Most of the temporary workers we represent are employed by the Department of Defense and the U.S. Forest Service.

The facts of temporary employment within the Federal Government paint a bleak picture of the second-class status of temporaries. Temporary Federal workers work side by side with their permanent counterparts and perform the same work. They are held to the same standards of accountability and quality of work output. Yet, they are denied universal employment protections and benefits. Temporary Federal employees compensated according to the General Schedule do not receive annual within-grade wage increases—step increases—nor do they have adverse action protection rights. Reduction-in-force [RIF] protection laws do not apply to temporary Federal workers. They can be released from their jobs tomorrow with no warning and no severance. Temporary Federal workers do not receive employer-sponsored health insurance.

Temporary Federal employees are not eligible to participate in the Federal thrift savings plan. As a result, many of these individuals will lack adequate retirement incomes as they enter their golden years. Finally, temporary employees are even excluded from coverage under the recently enacted Family and Medical Leave Act. In our opinion, there is no justification for treating temporary workers differently than their permanent counterparts.

Many Federal agencies claim that the use of temporary workers enables them to achieve necessary workplace flexibility. The NFFE recognizes and accepts the need for flexibility in the workplace. As such, we support the legitimate use of temporary workers by Government agencies as one way to achieve that goal. However, all too often, agencies use temporary Federal workers to circumvent personnel hiring ceilings or to avoid the costs associated with permanent employment. The trend toward Government downsizing has

increased agency use of temporary employees and has exacerbated the problem as a result.

Current regulations prohibit agencies from employing a temporary in the same capacity for more than 4 years. However, many of our members have served in their current capacity well beyond the 4-year limitation. In many cases, these individuals have requested permanent appointments. Frequently, they have not only been denied a permanent appointment but they have been prohibited from even applying. While some of these people have been successful in fighting their temporary status, many others are too afraid to come forward. They need their jobs and cannot afford to lose them.

Within the last 2 weeks, I received 20 letters from NFFE members who are temporary employees. Their stories are heart-breaking. Several wrote anonymously. Of those who wrote, 18 had been employed as temporaries for 10 years or more. All have been seeking permanent employment elsewhere. I would like to include them in the record if I might.

One worker who wrote was recently forced into bankruptcy due to \$44,000 in unexpected medical costs. Another temporary was retaliated against by his supervisor for writing to his Congressman seeking relief.

Yet another individual wrote to say they had undergone 12 surgeries in the last 18 months for which they have no insurance coverage. Another individual currently faces losing her temporary job because of a work-related injury that is not compensable under workers' compensation and she cannot afford the continued treatment necessary for complete rehabilitation.

The urgency of the letters, and the fact that they were written at all indicates the despondency these individuals feel over their status as temporary employees.

Mr. Chairman, last year, you successfully attached legislation to the Fiscal Year 1993 National Defense Authorization Act requiring the Office of Personnel Management [OPM] to conduct a study on the feasibility of providing temporary employees with the same employment benefits as permanent workers. We have reviewed that report and found it to be very informative and forthright.

However, we must respectfully disagree with OPM's assertion that nothing should be done with respect to benefits until other issues such as national health care are resolved. We believe that certain actions could and should be remedied now to prevent the further abuse of temporary workers.

First, we believe that OPM's examples to agencies on the appropriate uses of temporary work are overbroad and invite abuse by the hiring authority. In the current environment of downsizing and severe budget restriction, these criteria could be applied easily to any vacant position in the Government.

We urge that these guidelines be rewritten to send a clear message to Federal agencies that temporaries should only be used to meet varying work load demand in seasonal or emergency situations.

Second, we concur with several of OPM's proposed options regarding the provision of health insurance, retirement, thrift savings plan, within-grade increases, and promotion and conversion to

career appointments. Specifically, we would accept OPM's provision to provide temporary workers with a reduced waiting period before becoming eligible for health insurance benefits. We also believe the Government contribution should kick in after a short length of service.

We would also suggest that a 2-year waiting period is much more equitable than the 5-year period suggested by OPM. Moreover, we believe that it is imperative to move forward with this option now rather than wait for the national health insurance reform due to the fact that such reform may not be implemented for several years. Several years is a long time to suffer.

We further believe that provisions for life insurance should parallel the provisions of health benefits.

With respect to the retirement coverage, we accept OPM's option that retirement coverage should be provided once a certain threshold of accumulated service has been reached. Again, however, we suggest 2 years is more equitable than the 5-year limit. If the time limit is longer than 2 years, then all service should be considered fully creditable.

Finally, no justification exists, and OPM offered none, to prohibit workers under the GS schedule from receiving within-grade pay increase or for prohibiting their transfer into career appointment positions. Currently, wage grade temporaries receive within-grade increases. Clearly, the decision to deny such increases to GS schedule workers is an abusive practice designed only to save money.

In conclusion, in many respects temporary Federal workers constitute America's working poor. These workers, too, have a right to expect their Government to be a model employer, not what it has become for these employees, a callous and uncaring bureaucracy.

It is ironic that the Government that was designed to protect them and defend their rights is the very employer who is abusing them and assaulting their dignity. This abuse by our Government must stop.

The integrity of the civil service depends on it.

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions.

MR. MCCLOSKEY. Thank you for an excellent statement, Mr. Keener.

[The prepared statement of Mr. Keener follows:]

PREPARED STATEMENT OF ROBERT KEENER, PRESIDENT, NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Mr. Chairman and Distinguished Members of this Committee, on behalf of the National Federation of Federal Employees (NFFE), I appreciate the opportunity to present our views on the use of temporary hiring authority by the federal government. The NFFE is the oldest independent federal employee union and represents approximately 150,000 federal workers in 53 different agencies across the country. We hope that our experience with temporary federal employment will result in legislative action which will correct the egregious inequities which currently plague the system.

The National Federation of Federal Employees represents temporary federal workers in many government agencies. In fact, we have several locals comprised entirely of temporary federal employees. Most of the temporary workers we represent are employed by the Department of Defense and the U.S. Forest Service.

The facts of temporary employment within the federal government paint a bleak picture of the second class status of temporaries. Temporary federal workers work side by side with their permanent counterparts and perform the same work. They

are held to the same standards of accountability and quality of work output. Yet, they are denied universal employment protections and benefits. Temporary federal employees compensated according to the General Schedule do not receive annual within-grade wage increases (step increases) nor do they have adverse action protection rights. Reduction-in-force (RIF) protection laws do not apply to temporary federal workers. They can be released from their jobs tomorrow—with no warning and no severance. Temporary federal workers do not receive employer-sponsored health insurance. Temporary federal employees are not eligible to participate in the federal thrift savings plan. As a result, many of these individuals will lack adequate retirement incomes as they enter their "golden years". Finally, temporary employees are even excluded from coverage under the recently enacted Family and Medical Leave Act. In our opinion, there is no justification for treating temporary workers differently than their permanent counterparts.

Many federal agencies claim that the use of temporary workers enables them to achieve necessary workplace flexibility. The NFFE recognizes and accepts the need for flexibility in the workplace. As such, we support the legitimate use of temporary workers by government agencies as one way to achieve that goal. However, all too often, agencies use temporary federal workers to circumvent personnel hiring ceilings or to avoid the costs associated with permanent employment. The trend towards government downsizing has increased agency use of temporary employees and has exacerbated the problem as a result.

Current regulations prohibit agencies from employing a temporary in the same capacity for more than four years. However, many of our members have served in their current capacity well beyond the four year limitation. In many cases, these individuals have requested permanent appointments. Frequently, they have not only been denied a permanent appointment but they have been prohibited from even applying. While some of these people have been successful in fighting their temporary status, many others are too afraid to come forward. They need their jobs and cannot afford to lose them.

Within the last two weeks, I received 20 letters from NFFE members who are temporary employees. Their stories are heartbreaking. Several wrote anonymously. Of those who wrote, 18 had been employed as temporaries for 10 years or more. All have been seeking permanent employment elsewhere.

One worker who wrote was recently forced into bankruptcy due to \$44,000 in unexpected medical costs. Another temporary was retaliated against by his supervisor for writing to his congressman seeking relief. Since that time, this individual has been repeatedly denied permanent jobs for which he was, and is, eminently well qualified. Yet another individual wrote to say that she had undergone 12 surgeries in the past 18 months—for which she had no insurance coverage. One individual currently faces losing her temporary job because of a work related injury that is not compensable under workers' compensation. She cannot afford the continued treatment necessary for her complete rehabilitation. The urgency of the letters, and the fact that they were written at all indicates that despondency these individuals feel over their status as temporary employees.

Mr. Chairman, last year, you successfully attached legislation to the Fiscal Year 1993 National Defense Authorization Act requiring the Office of Personnel Management (OPM) to conduct a study on the feasibility of providing temporary employees with the same employment benefits as permanent workers. We have reviewed that report and found it to be very informative and forthright, if not somewhat controversial, in its analysis and proposed options. We agree with OPM that the issue of providing benefits to temporary workers is one of cost and equity. However, we must respectfully disagree with OPM's assertion that nothing should be done until other issues, such as national health care, are resolved. We believe that certain actions could, and should, be remedied now to prevent further abuse of temporary workers.

First, we believe that the OPM's examples to agencies on the appropriate uses of temporary workers are overbroad and invite abuse of temporary hiring authority. Specifically, OPM lists the following as appropriate uses of temporaries:

1. Staffing continuing positions when future funding and workload levels are uncertain or when it is anticipated that funding levels will be reduced or that the activity will be reorganized;

2. Filling permanent positions on a temporary basis in order to save them for eventual incumbency by permanent employees expected to be displaced from other parts of the organization; and,

3. Filling vacancies which occur in activities under study for possible contracting out.

In the current environment of downsizing and severe budget restrictions, these criteria could be applied easily to any position vacancy in the federal government. These guidelines must be re-written to send a clear message to federal agencies that

temporaries should only be used to meet varying workload demand in seasonal or emergency situations.

Second, we concur with several of OPM's proposed options regarding the provision of health insurance, retirement, the thrift savings plan, within-grade pay increases and promotion and conversion to career appointments. Specifically, we would accept OPM's provision to provide temporary workers with a reduced waiting period before becoming eligible for health insurance benefits. We also believe that the government contribution should kick-in after a certain length of service. We would suggest that a two year waiting period is much more equitable than the five year period suggested by OPM. Moreover, we believe that it is imperative to move forward with this option now rather than wait for national health insurance reform due to the fact that such reform may not be implemented for several years. We believe that provisions for life insurance should parallel the provision of health benefits.

With respect to the issue of retirement coverage, we accept OMP's option that retirement coverage should be provided once a certain threshold of accumulated service had been reached. Again, however, we suggest that two years is far more equitable than the five year limit suggested by OPM. If the time limit is longer than two years, then all service should be considered as fully creditable.

Finally, no justification exists, and OPM has offered none, for either prohibiting temporary workers covered under the General Schedule from receiving within-grade pay increases or for prohibiting their transfer into career appointment positions. Currently, Wage Grade temporaries receive within-grade increases. Clearly, the decision to deny such increases to General Schedule workers is an abusive practice designed only to save money. Living costs for temporary workers increase at the same rate at that of all other workers. They should be provided with within-grade pay increases as a matter of fairness and equity. Likewise, temporary federal workers who have worked for the government for any length of time should not be forced to compete with all outside candidates for vacancies in permanent positions. Many of the temporary workers we represent have been employed with the government for years. They often train new, permanent hires that eventually become their supervisors. Obviously, such temporaries have enough value to the government to train permanent workers. They should have enough value to be considered for permanent jobs themselves. Again, this is an issues of basic fairness and equity.

In conclusion, in many respects, temporary federal workers constitute America's "working poor". It is ironic that the government that was designed to protect them and defend their rights is the very employer who is abusing those rights and assaulting their dignity. This abuse by the federal government must be stopped. The integrity of the civil service depends on it.

Mr. Chairman, this concludes my testimony. Again, I appreciate the opportunity to appear before you today and I thank you for your continued commitment to the issue of temporary employment in the federal government. I will be happy to answer any questions you may have.

6/04 16:48 page 2

Content-Length: 0000000078
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THIS IS MY HORROR STORY! PLEASE ADVISE ME IF YOU RECEIVE-
R.E.PARKER:R06F01A

Content-Length: 0000001841
Content-type: text

Claire Renner-Besset
NFFE National

Hello, my name is Ramona Parker and am a temporary, NTE with the Deschutes National Forest, Supervisor's Office, Front Desk Information assistant.

I am responding to the message received June 3, in regards to personal written testimonies from temporary employees. I feel my story is worth sharing with you and hope it will be read at the hearing in Washington, DC scheduled in June 1993.

I started out doing volunteer work for the Forest Service in February 1992, at the Front Desk, as an Information Receptionist. Two months later I received a 180 day appointment which was followed by another 180 appt. I was terminated in September and returned back to work as a NTE in October.

Being a single mother of two children, 2 and 6 years old, and without health insurance of any kind, this can create many problems this day and age. With medical costs being what they are it makes it impossible to provide the essentials for daily living and pay for medical treatment.

In the last 18 months I have undergone 11 surgeries, and am scheduled for another surgery again next week in Portland, Oregon. My doctors are aware that I do not have medical insurance. The fact that I am not covered is the reason I was unable to remain in the hospital overnight for extended treatment. This may also be the reason surgery has been repeated many times.

I feel extremely fortunate to be employed here on the Deschutes as I was placed on the Donner Leave Program and many wonderful people donated hard earned hours to me to help cover time loss, due to the surgeries I have undergone.

I sincerely hope this "Horror" letter will help any and all temporaries that are in a similiar situation.

Most Sincerely,

Ramona E. Parker
Information Assistant
Deschutes National Forest

Ed Hinds
206 E. S. 7th
Grangeville, ID 83530

June 6, 1993

NFFE National
Attn: Claire Renner-Hasset
1016 16th St. NW
Washington D.C. 20036

Dear Ms. Renner-Hassett:

I am writing this letter in response to your wanting input on the Temporary Employment Issues. I have some stories I would like to share with you.

To start out my career I applied for a Permanent job with the U.S. Forest Service in 1982 and was told that I could not apply as I didn't already have a job with the Forest Service. I thought that was not giving me a fair deal at a job so I wrote my Congressman. My letter was referred back to the personnel office in Grangeville and I was called up to the office and informed by the personnel assistant that if I ever wrote another letter like that to my Congressman I would never work for the Forest Service again. My wife was also told this by the same person. It must have worked as I cannot seem to get a permanent job. I have made several job certifications but no job. This has haunted me ever since. I was asked by a District Ranger who had only been on the forest for six months what the deal was with me and the other district. There is someone in a position of power on this forest that prevents me from getting jobs.

Another example was when I applied for a job at a local ranger district. I had been working at remote duty stations for the past six seasons because I was unable to work locally because of the earlier letter writing incident. I had to live away from home during the week and came home on the weekends. Anyway, I thought I would try again as I was tired of living away from my wife and kids. The timber forester called me up one day and ask if I was interested in working on the timber crew, I advised him that I was. He asked me to come up to the office and talk it over. I went up to the office and was offered the job and accepted. He advised me that we would start work in about four to five weeks. After about four weeks went by I was called by the Timber Management Assistant and told that I did not have a job at the district anymore. I was told by him that the District Ranger had made the decision

not to hire me. This was a real shock to me and my wife as we had made plans around this job. I went to the personnel office and had a talk with the personnel officer and she advised that District Rangers could do anything they wanted as I was just a temporary. I even set up a meeting with the Ranger but he said he would not hire me with not explanation as to why. I was very well qualified for this job but I had to find another job for the summer. It was too late in the spring to find one with the Forest Service so I took a job with the State Dept. of Lands. The following year I was able to get on temporary again for the Forest Service.

Another so-called "policy" of the Forest Service is the dual career policy one. My wife has worked for the Forest Service for twelve years and I have yet to get a permanent appointment. I have applied for numerous jobs on the forest where she originally worked and have made the "cert" for about 50% of them. In one instance, I made the cert for a job on a specific district. Low and behold the cert was cancelled because they wanted to hire a GS-11 and she had a husband that had a NTE appointment and he needed a job too. The job was again advertized and her husband was given the job. In another instance a GS-11 was coming to a district but he had a wife that also needed a job. One came available and it was advertized. My wife applied for the job and again was in the top three on the cert but the wife of the GS-11 was selected. In still another instance a GS-9 was interested in a job on this forest. However, his wife was also with the Forest Service and would need a job also. A certification was prepared for a previously advertized job in which my wife was on the top three. When this GS-9 was selected for his position, the cert was cancelled and his wife was lateraled into the position.

On the forest my wife currently is on, I have made the cert for at least six jobs but to no avail. In one instance a Significant Other was selected over me as a "dual career". The dual career policy is a good policy if it is fair to everyone not just the politically influenced positions. And to select a person who is not even married to the employee and is reimbursed for relocation costs does not seem fair to me.

I am still a GS-5/1 after working for the Forest Service for 10 seasons. Being a temporary means no chance for an increase in the step level. Some of my supervisors have felt that training is only for permanent people, therefore I have been denied training that would help my temporary position. In one instance I asked to go to a training to become certified at the C level in the operation of the chainsaws. My supervisor said that I could not go as they should send a permanent. I finally got to go as the Fire

Management Officer realized that I was the most qualified and he went to the Staff and it was a Staff decision that I be allowed to go. As it worked out I became a "C" Qualifier and am the only one on the Forest. I am one of only 18 in the Region. Rather than the forest looking at me as being beneficial, their response is better get a permanent in this position in case I wouldn't be around in the future, and that almost happened this year as being a temporary I didn't know if I was going to have a job due to the budget. I finally got on with the district again but it is in a different department. This is another thing that drives me crazy. That is not knowing if I will have a job from one year to the next. I don't consider myself an itinerate worker being able to travel from town to town looking for work. My wife has a job here and my three children are established in the school system. I am a member of the Citizen's Advisory Committee to the School Board. I coach Little Little and assist the High School Softball coach. Just because I am a stable member of this community does not mean I am unwilling to relocate. My wife and I have applied for jobs in Washington, Oregon, Montana and California with the hopes of getting out of the "temporary" mode and getting a permanent job for me.

Sorry this letter is so late, but as usual the information does not trickle through the system in a timely manner. I do want my concerns heard, but I hope this letter will not be detrimental to my "career" or that of my wife's. I am sure there are several other individuals that could testify on similiar incidents but are afraid of reprisal such as not being hired back or blackballed. I know how that goes - I've been there.

Sincerely,

Ed Hinds

Ed Hinds

The Honorable Larry LaRocco
U.S. House of Representatives
Washington, D.C. 20515

April 12, 1993
E. 27100 River Rd.
Cataldo, ID 83810

Dear Mr. LaRocco:

This letter is in reference to H.R. 606, recently introduced by Representative Kanjorski, and is to request that you co-sponsor this bill.

I have been a temporary employee (excepted service) on the Wallace Ranger District of the Idaho Panhandle National Forests since June 15, 1980. Although I have progressed from a Wage Grade 02 laborer to my current position as a GS-7 Crew Leader in Silviculture, and have received awards for outstanding performance, I am still not eligible for any of the benefits enjoyed by permanent employees. I cannot participate in the Federal Employees Health Benefits Program, the Federal Employees Retirement System, Federal Employees Group Life Insurance, I get no step increases nor do I have any assurance that I will even have a job next year.

Over the years a number of vacant positions for which I was qualified have been advertised but I have not been able to apply because I do not have "competitive status." H.R. 606 will give me competitive status and enable me to apply for future vacancies in the permanent work force.

Please give me a chance to compete for a "real" job.

Sincerely,

Jerri Park

cc:Jeff Bell

NFFE NATIONAL
FOR: CONGRESSMAN McCUSKEY

PAGE 1 of 3

DEBRA R. PERRY:

ON THIS 15TH DAY OF JUNE 1993, AT 1630 HOURS I RECEIVED YOUR D.G. DIRECTIVE REGARDING TEMPORARY EMPLOYEES "HORROR STORIES": A REQUEST FROM CONGRESSMAN McCLOSKEY.

I REALIZE THIS INFORMATION MAY BE TO LATE, HOWEVER I AM SENDING YOU AND CONGRESSMAN McCLOSKEY MY STORY IN HOPES IT MAY HELP IN THE FUTURE.

MY NAME IS ELMER WILLIAM BOWEN, I AM 57 YEARS OF AGE AND HAVE BEEN WORKING FOR THE FOREST SERVICE, AVERY RANGER DISTRICT, SINCE 1980, OR 13 GOING ON 14 SEASONS AS A TEMPORARY EMPLOYEE. OF COURSE EVERY YEAR FOR THE FIRST FEW YEARS I WAS ADVISED I WOULD GET AN APPOINTMENT. FOR 12 OF THESE 14 SEASONS I HAVE WORKED FROM 8 TO 10 MONTHS OUT OF EVERY YEAR AS A MAINTENANCE PERSON, FULL TIME TEMPORARY. THIS SEASON, YEAR NUMBER 14, I HAVE BEEN CALLED BACK TO WORK AS A PART TIME TEMPORARY AND ADVISED I CAN ONLY WORK FROM APRIL UNTIL THE LAST OF SEPTEMBER 1993.

EACH SEASON PRIOR TO MY RETURN TO WORK, I RECEIVE A TELEPHONE CALL FROM MY SUPERVISOR ADVISING ME THAT BECAUSE OF BUDGET CUTS, HE IS NOT SURE WHEN I WILL BE ABLE TO COME BACK TO WORK, OR HOW LONG I WILL WORK.

NFFS NATIONAL
FOR: CONGRESSMAN McCloskey

PAGE 2 OF 3

I AM THE SOUL PROVIDER FOR OUR HOUSE HOLD, AND WHEN THIS ALL BEGAN I WAS PROVIDING FOR MY WIFE AND TWO CHILDREN, AND ALWAYS UNDER PRESSURE OF NOT KNOWING IF, WHEN OR HOW LONG I WAS GOING TO HAVE A JOB. NOW OUR CHILDREN ARE GROWN AND RAISING FAMILIES OF THIER OWN, AND I AM STILL WORKING UNDER THE SAME IF NOT WORSE PRESSURE OR CONDITIONS.

I HAVE NOT BEEN ABLE TO AFFORD MEDICAL INSURANCE ON SALARY I MAKE PER YEAR, THE FOREST SERVICE WILL NOT PROVIDE ANY INSURANCE BECAUSE OF MY TEMPORARY EMPLOYEE STATUS. MY DAUGHTER HAD TO HAVE KNEE SURGERY AND MY WIFE HAD A MALIGNANT TUMOR REMOVED FROM HER LEG, THE MEDICAL EXPENSES WERE WELL OVER 25,000 DOLLARS. I PROBABLY HAVEN'T AVERAGED OVER 16,000 DOLLARS SALARY PER YEAR SINCE BEING EMPLOYED BY THE U.S. GOVERNMENT.

I AM WRITING THIS INFORMATION WHILE SITTING IN A PICKUP CAMPER AT THE AVERY RANGER DISTRICT NOT KNOWNING IF I'M GOING TO BE WORKING 52 OR 80 HOURS THIS PAY PERIOD, IF I ONLY WORK 52 HOURS, I KNOW I CAN NOT AFFORD TO KEEP UP TWO PLACES OF RESIDENCE LET ALONE ONE. BUT AS MY SUPERVISOR WOULD PUT IT, "IF YOU HAVE ANY PROBLEM WITH THIS, YOU CAN QUIT."

YES, I ALMOST GOT, I WAS GIVEN A N.T.E. APPOINTMENT A FEW YEARS BACK AND ADVISED AT THE TIME I WOULD BE LAYED OFF AT LEAST 30 DAYS OUT OF EVERY

NFFE NATIONAL
FOR: CONGRESSMAN McCOSKEY

PAGE 3 OF 3

YEAR SO THE GOVERNMENT WOULD NOT HAVE TO PROVIDE ME WITH HEALTH OR RETIREMENT BENEFITS. MY UNDERSTANDING OF THIS N.T.E. APPOINTMENT SIMPLY MEANT, I AM A FULL TIME TEMPORARY EMPLOYEE "NOT TO EXCEED" MORE THAN ELEVEN MONTHS OF WORK PER YEAR. HOWEVER, IF YOU RECALL, I WAS ONLY CALLED BACK AS A PART TIME TEMPORARY THIS YEAR, AND AFTER WORKING FOR THE SAME SUPERVISOR FOR THE PAST 12 YEARS. HE WAS NICE ENOUGH TO TELL ME NOT TO COME BACK TO WORK IF I HAD ANY PROBLEM WITH THIS.

Ms. PERRY, ON JUNE 2ND 1993 I RECEIVED FPM LETTER 316-25 SUBJECT: AUTHORIZED USE OF TEMPORARY APPOINTMENTS UNDER 5 CFR 316.401. I AM SENDING A COPY OF YOUR DIRECTIVE AND FPM LETTER 316-25 TO CONGRESSMAN McCLOSKEY ALONG WITH THIS INFORMATION.

THANK YOU;

F. W. Bowen
HC 01 Box 215E
ST. MARIES, ID. 83861
208 245 4788

NFPE NATIONAL
FOR CONGRESSMAN McCloskey
MESSAGE DISPLAY FOR GERALDINE BUSH

To recfolks

From: Jaime Schmidt
Postmark: Jun 01, 93 12:10 PM Delivered: Jun 01, 93 12:10 PM
Status: Previously read
Subject: Forwarded: TEMPS

Comments:

From: Jaime Schmidt:R01FO4D02A
Date: Jun 01, 93 12:10 PM

Previous comments:

From: Don Kole:R01FO4D02A
Date: Jun 01, 93 7:34 AM

There is a request from a Congressman who is working on getting some benefits for Temporary Employees. Please make this message available to your temporary or ex-temporary employees so that they can decide if they want to provide information.

Previous comments:

From: Bob Robbins:R01FO4D04A
Date: Jun 01, 93 6:12 AM

Previous comments:

From: DEBRA R. PERRY:
Date: May 28, 93 4:00 PM

Please read Phil's note regarding temps. What is wanted here are personal written testimonies from temporary employees. Temps can send them to Claire Renner-Hasset at NFPE National or to McCloskey's office. I would appreciate a copy of those if temps don't mind sending them on. 8280 Sunnyside Road, Sandpoint, ID 83864. By Horror stories, we mean describing things that have happened due to temp status, such as situations due to no health insurance, family situations, what happened if your job was contracted out or you were not brought back on, this kind of thing. Any story that helps a person relate to the true hardship in any area of a temps life due to work status. As usual, we are talking short notice here folks! These need to be in by the end of next week. Hearing will be in Washington DC, and NFPE National will be representing us on the issue.

Message:

From: Philip H. Ruff:R01FO4D01A

Date: May 27, 93 2:35 PM

HAD A CALL FROM CLAIRE. MC CLOSKEY'S OFFICE WANT'S TESTIMONY ON TEMP ISSUE. HEARING SCHEDULED 2ND WEEK OF JUNE. PARTICULARLY WANTS HORROR STORIES (HARDSHIPS) BECAUSE OF LACK OF BENEFITS. PHIL

=====X=====

Dear Sirs:

June 3, 1993

I am writing to you as long term temporary employee of the U.S. Forest Service. I am currently working as a GS-7 NTE Wildlife Biologist on the Wenatchee National Forest in eastern Washington. I have been in this position for two full years with no layoff. I have no health insurance, no pay raises, and no ability to apply for permanent jobs unless they are advertised as special Demonstration jobs. There are many people in the Forest Service performing valuable work who are in the same position. I have one woman friend in a similar position, who has been with the F.S. for 20 seasons with a total of 14 full years of work, no insurance, no benefits, and no possibility of job security. This is wrong. The very backbone of the F.S., those who are doing most of the work, are being treated as a disposable labor force.

These issues have been raised repeatedly by the temporary work force of the U.S. Forest Service. The time is right to correct these problems. A high percentage of our temporary employees have 4 year college degrees, families and children. We are isolated and separated from our colleagues and co-workers by the fact of their higher pay, regular increases and health and retirement benefits. They are embarrassed to be performing equal work with us for unequal compensation. We face the distinct possibility of losing many of our best people due to discouragement and the desire to provide stability for their families.

Raising children with no health insurance, knowing that you could be paid the same wage for the rest of your career, and having no possibility of retirement is terribly discouraging. We feel like second class citizens within our own country and government. Now is the time to change all this. Please listen to all the testimony and letters you receive. Thank you.

Sincerely,

Joe Kelly
Box 252
Ardenvoir, Wa: 98811
509-784-2852

I'VE BEEN A TEMPORARY EMPLOYEE FOR THE FOREST SERVICE SINCE 1978! I worked a year as a crewperson and eventually a crewleader of a Y.A.C.C crew (Young Adult Conservation Corps.) I spent 5 seasons on a fire crew and eventually became Assistant Foreman. The next 3 seasons were spent working for the timber dept. where I marked timber, surveyed property boundaries, inspected contracts, climbed trees to collect cones, worked with Y.C.C and C.C.C. crews planting trees. I took 2 years off from the forest service, but returned in 1989 to work for the Silviculture dept. as a contract inspector and to gather stand exam data. This work was year-round until last fall when my position was unfunded due to lack of money. Another temporary employee in that dept. was replaced by THREE permanent employees from another district! I'm now a 180 day temporary employee in the Botany dept.

Temporary employees don't get step increases with time, as do permanent employees. There's no retirement, no medical. My family does have private medical insurance. For about \$200. per month, we get \$500 deductible coverage. That's about 20% of my take-home paycheck, for what is basically catastrophic insurance.

I've seen other temps. in the same situation, hanging in there, year after year with the promise that they're job will turn permanent "maybe next year". There was one employee here that was a temporary for 19 years before he finally went to work in the private sector. In some communities, the Forest Service is the only employer around, so there really isn't any choice.

Temporary employees do the same work as permanents. There is no reason at all that a person who works year after year should be considered "temporary".

Debra R. Perry
8280 Sunnyside Road
Sandpoint, ID 83864

Dave Ensign
451 Osborne Ave.
Bigfork, MT 59911
406-837-4239

FS Temporary Testimonies 12-21-92

Rep. Paul Kanjorski 6-5-93
Chairman - Committee On Post Office & Civil Service
- Subcommittee On Human Resources
U.S. House Of Representatives
603 House Office Building Annex 1
Washington, D.C. 20515-6249

Rep. Pat Williams
District Office
c/o Mike Brown
302 West Broadway
Missoula, MT 59802-4113

Dear Rep. Kanjorski and Rep. Williams:

Thank you for conducting the hearing on temporary federal employment in Missoula last July! I think you are on the right track about what are problems for the temporary workforce and how to fix them.

I write because I sat through the hearing but found no opportunity to speak. First I must apologize for being so late with this response but I had to wait until I was layed off to have time to put this together.

I wanted to tell you the following at the hearing:

My name is Dave Ensign, I have worked 23 seasons (16+ years full time) for the USFS Flathead NF on the Swan Lake RD & Condon RD in the areas of Fire, Timber Mgmt., and Silviculture. I work (am limited to) 180 days each year and then spend the rest of the year (about 4 months) working at odd jobs and on unemployment.

I work now as a contract inspector for the government inspecting thinning and planting contractors. I do all the field work from layout to contract closure working with the contractors to ensure government assets. In 1992 greater than 700 acres were thinned and greater than 1100 acres were planted by 5 different contractors with 42 employees on our district, about 200,000 in payments. I also do inventory and fire work as required.

1993 promises to be even busier with more acreage in both programs.

I started working for the USFS in 1970 as a lookout (Mission LO) and worked as a sawyer or power tool operator, smokechaser, firefighter, small and large timber sale cruiser, inventory forester, & inspector. I have been on over 200 wildfires and have the following Red Card ratings: Crew Boss, Type I Fallor, Crew Rep., Strike Team Leader - Crew & Engine, Task Force Leader, and Small Incident Commander.

I am university educated with 2 undergraduate degrees. I have a BA in Biology University of Montana 1968 & a BS in Forest Science University of Montana 1980.

I have attempted to get permanent employment for all of my 23 years. I have been qualified on the OPM Professional Forester Roster since 1980 and the Wildlife Biologist Roster since 1989. Of course since the professional positions are filled through the Coop Ed. Program I have never had an opportunity through the Roster. This Program takes college sophomore's and after 3 summers and 2 year of experience are promoted to GS-9 professional administrators with Full Time Competitive Status. This Program is also why there is a low quality of leadership within the Agency.

The problems for seasonals:

(1) The main problem for seasonals is status; this was not brought up at the hearing. All seasonals have noncompetitive status. This is why in all my 23 years I haven't gotten to be a full time employee with a career ladder. I am not nor ever have been able to compete for jobs (most of which require a person to have Career Conditional or Full Time Permanent Status to be considered for the job). This leads to the present caste system.

Seasonals vs Permanents

no insurance	insurance
few/no training opportunities	many training opportunities
no career ladder	ample career ladders
no step increases	step increases
no retirement	retirement

In all my years there was only one time any seasonals were competitively converted to status employees on the Flathead NF, it was about 1988. I wasn't converted at the time because my self rated application disqualified me over a minor point and my SF-171 was thrown out. One seasonal who got the appointment at that time will be my supervisor part of the year. This was her experience:

No training or degree
 Year around Career Conditional Appointment GS-5
 Work and training opportunities as wildlife forest technician
 Converts to Professional Wildlife Biologist GS-7 460 series
 More training and educational opportunities
 Becomes Silvicultural Forester GS-9
 1992-Takes over district thinning program (with no background)
 and a job which I really am in line for.

(2) This brings up the second problem which is the lack of field experience in management. I think the present quandary, the static confused condition, that the FS finds itself in is due to poor leadership. Poor leadership resulting from a failure to bring seasonals/ technicians/ people who have worked in operations, who have worked in the woods, who have sweated under a hardhat, and who have been first line supervisors up a career ladder into administration and management. Leadership failures lead to the inequities and poor circumstances that seasonals find themselves.

Top level managers and specialists GS-9 and up are brought right out of college or at the most have 3 summers and 2 years as GS-7s (as in the case of Coop. Ed. students) and then are put over people who are experienced. Many times these new managers must be trained by the very people they are put over! I fully believe that had our present leadership come from more humble beginnings possessing university degrees and experience gained from long years on the ground we could have avoided the confrontation & impasse that has arisen between industry and environmentalists and people. I blame present leadership for letting the management issues even go to the courts for solution.

I will admit that some of the internal problems come from too much politics and not enough science and much planning and little doing. There are those who would see the USFS managing lands for so many uses that nothing can be accomplished or managing lands as preserves doing nothing as a management option.

Most problems can be solved by more capable leadership and a step this way would be to open doors for seasonals. This can only be done by concerned Congressmen like yourselves to mandate changes like step increases and insurance and especially competitive status for seasonal employees.

As for myself (laid off) it's just another winter to struggle through trying to make ends meet and feed a family. The above mentioned changes will help others but it is too late for me. I have thrown away my youth, enthusiasm, and energy on a career that couldn't develop and an employer that wouldn't let me contribute and paid me poorly to boot. I am sorry that I ever worked for the USFS because it has made life hard for me and for my family. I would like to visit with you to further discuss this subject. Thank you for listening!

Respectfully,

Dave Ensign
Dave Ensign

Stanley E. Zyskowski
P.O. Box 560
Sedro Woolley, WA 98284-0560
June 7, 1993

Representative Frank McCloskey
House of Representatives
Washington, DC 20515

Representative McCloskey,

I am writing in response to the DG message dated June 1, 1993 concerning temporary federal employees. I believe I am a classic case (and certainly not the only one) of how temporary U. S. Forest Service employees are "used" by certain personnel within the system. I am once again fighting for my job as my department head and Supervisors Office Personnel Officials try to fit a permanent into it (in this case it is like trying to fit a round peg in a square hole...as I am a highly valued and skilled Biological Technician in Fisheries). I will give you a quick chronology of my years with the Service and some events along the way and a more complete history of recent events.

My "career" with the Forest Service started back in the spring of 1974 when I was hired by a neighbor to be an engineering survey aid (GS-2). I considered it a wonderful chance and approached the job with enthusiasm. I immediately picked up the survey methods and ended up training persons who were GS-5 seasonal, but do to my lack of education and experience I remained a GS-2. I spent the next 2 seasons (for the record all my seasons were long, lasting 7 to 12 months) working for recreation as a technician at the GS-4 level at the Mt. Baker Ranger District (then the Baker River Ranger District) where I still work today. The following season I started out working for Silviculture as a Tree Planting Foreman (WL-2) and moved to fire as the summer arrived. The following year I was promoted to GS-5 and was made a Fuels Technician. I received a maximum allowed cash award for developing the district Pre-Attack Plan.

The following season I moved into silviculture as a technician and wrote, laid out and inspected contracts for thinning, surveys and tree planting. In 1984 I was passed up for a permanent position (was one of 2 considered) because the Silviculturist at the time didn't think I would be around long as I am very active in the Stock Market and he feared I would be retired by 40 (well 40 will be next year and I don't think I will make it!!) In 1987 I moved to timber as they were in need of someone to help layout timber sales. I did this for a season and asked to be promoted to the GS-6 level because I was doing the same work as a permanent GS-7 and training permanent GS-5 personnel. The ranger did not support this move at the time so I told him I was going to return to Silviculture. He adamantly opposed this move and

was not at all pleasant to me. The following season I was put up for another major cash award and this ranger denied it because I had left timber (even though my supervisor and the staff requested it numerous times). The following season I started back at timber because they had early work. Once again the GS-6 issue came up and I was promoted within a week (the district ranger was on detail somewhere and we had a temporary ranger at the time who strongly supported my position). The following winter I was made an NTE (not to exceed 1 year) to work on the TRI (Total Resource Inventory system) as there was a crunch to revamp the system. The following winter I was doing some contract preparation for Silviculture and 2 permanent employees were hired to do the job I was already doing. One was a veteran and the other a minority woman.

Now we get down to the "Fisheries" portion of my career. Fisheries is where I have wanted to be all along. The district Fisheries Biologist would occasionally grab me to work on projects for him as I had more local fisheries knowledge than any other person on the district. This knowledge was gained through a lifetime of fishing and wandering the stream systems of the Northwest and recently the Mt. Baker District. This made me somewhat of an ideal person for a Fisheries Technician position. Again we had to fight the ranger for he did not want me to leave timber...but I could see the writing on the wall as I had spent the previous summer detailed to wildlife to survey spotted owls. After a long drawn-out battle the ranger finally threw up his hands and told the staff to work it out...the following week (May 1990) I began my present job as a fisheries technician.

I was put in charge of our district stream survey program. I also started assisting the district Watershed Specialist in the layout and design of instream structures. The following spring I was also made supervisor of the district Fish Crew (wage grade structure placement crew). I continued to layout and design structures and run the stream survey program as well as respond to other fisheries issues. In the spring of 1991 (as the program continued to expand) I was promoted to the GS-7 level where I am today. The crews expanded until in 1992 I had a five person fish crew and 2 stream survey crews working under me. We had the lions share of the Forests Fish and Watershed funding for that year and in Fisheries alone we had a budget of nearly 1 million dollars (of which I directed most of the spending). I received another major cash award for this work on the district. In the fall of 1992 I also received the highest individual award for the Region for 1992 (accompanied by another major cash award).

Also in the summer of 1992 our District Fisheries Biologist left for the Peace Corps. With this action came additional responsibilities. I began to represent the district at interagency Fisheries related committees (I was the only technician on these committees and by far the lowest paid). I also became much more involved with other departments as fisheries issues continued to work their way to the forefront. I

consulted with other departments and agencies regarding small hydro projects, drainage passage recommendations, leave strips etc. The job became considerably more complex but as always I rose to and accepted the challenge. In the fall of 1992 we hired another district Fisheries Biologist who has turned out to be very inexperienced. For this reason and due to the additional duties I have requested that I be promoted to the 9 level (December 1992) when my last NTE was up for renewal.

Instead of an upgrade or a renewal it turned out that personnel extended my NTE for 2 months (an unheard of move without any explanation or warning). This issue was exacerbated by the downsizing going on throughout the region and by personnel's belief that all technicians are interchangeable without any regard for complexity of the position. This set up a major battle in which personnel proceeded to try to put a permanent Hotshot Crew Foreman into my position (as it was identified that his crew did not respect him and there were numerous complaints about the way he did business). Well the Supervisors Office Fisheries staff and our district ranger bowed their backs and fought this. It turned out that this was the only district on our Forest where a displaced permanent technician was not moved into a Fisheries or Hydrology technician position. This supports my skill level and the identified need for those skills on the Mt. Baker District.

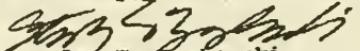
The saga did not end at this point, in fact it has grown considerably more complex since then. I have continued to expand my roles as our present fish biologists tries to get up to speed on a very large and complex district. Without the years of on the ground experience and familiarity it is virtually impossible to be effective especially when dealing with other agencies who have people who have been in a position for years and are local experts. I recently attended a training Regional Structure Design and Construction training session in which I was requested to give a presentation because my Forest's Supervisors Staff Fisheries Biologist was unable to do his scheduled presentation. So with little to no preparation I gave a one hour presentation on the project that I received the Regional Fisheries award for the previous year.

Upon returning from this session my status was changed from NTE to 180 day seasonal. I again requested the upgrade to the 9 level (at least on a temporary basis). I had strong support by my staff and the District Ranger (who immediately got on the phone to personnel where he would start the process). Again personnel was very unsupportive of this action and again started talking about replacing me with a displaced permanent or at least removing the 9 related duties (for which there is no one on the District who can perform those duties at the present time). My staff basically gave up on my position so I once again approached the District Ranger and came up with a few more angles and he agreed to give it another try. Well that is where we stand today, I have received no response from him or personnel as to

what will happen. As can be anticipated I am very frustrated. I have spent entirely to much time in the last year justifying my position, and this process never seems to stop. The Fisheries/Watershed section of this Forest is on line for and requesting massive amounts of restoration dollars while personnel continues to dismantle the staffs of these departments (the Forest has lost 3 GS-11 Fisheries Biologist, a GS-11 Hydrologist and a GS-11 Soil Scientist in the past year and a half). I believe these losses were brought about because of related pressure from personnel. This is totally unacceptable in light of the changes that are coming down the pipe relating to watershed and fisheries restoration efforts.

I could go on and on, but hopefully you have gotten the message that I am trying to relay. I am a highly skilled temporary in a somewhat unique position. I feel often that I am taken advantage of and used. I have had to maintain my own health insurance and retirement investments throughout the 19 years that I have been a temporary with the Forest Service (had to finance a major operation to the tune of \$3,000 out of pocket). I believe the federal government should provide health insurance for us especially in the light that they are trying to require businesses to do the same. I also believe there is a major problem in our Supervisors Personnel Section regarding the use and abuse of temporaries. I would like to see this whole issue investigated and brought to light. I would like to talk to you and fill you in on all the details that were not included in this letter. Please contact me at our District office (206) 856-5700 ext. 229 or at home at (206) 856-2249. I look forward to further involvement in these proceeding. Thanks you for your time and for provided a place to turn.

Sincerely,


Stanley E. Ryskowski
Fisheries Technician, MBRD

#1 MORALE OF SEVERAL TEMPORARIES I AM IN CONTACT WITH, INCLUDING MYSELF, IS VERY LOW. REASONS FOR THIS INCLUDE 1) NOT BEING REGARDED AS A "TRUE" FOREST SERVICE EMPLOYEE DUE TO THE TEMP STATUS 2) NOT HAVING THE OPPORTUNITY OF MEDICAL BENEFITS EVEN AFTER BEING A GOVERNMENT EMPLOYEE FOR CONSECUTIVE YEARS 3) BEING USED AS "FILL-INS" UNTIL A PERMANENT EMPLOYEE IS HIRED.. FOR ME #3 IS THE BIGGY. I WAS HIRED AS A GS7 TEMPORARY FISHERIES BIOLOGIST TO DO THE DISTRICT FISHERIES BIOLOGIST JOB. THERE IS CURRENTLY NO PERMANENT FISHERIES BIOLOGIST, THEREFORE I AM EXPECTED TO PERFORM DUTIES EQUIVALENT TO A PERMANENT EMPLOYEE WHO WOULD BE OCCUPYING THIS POSITION. NO ATTEMPTS TO HIRE A PERMANENT EMPLOYEE HAVE BEEN MADE IN THE YEAR I'VE BEEN HERE BECAUSE OF THE "POOR BUDGET SITUATION"; HOWEVER, A PLANNING AND IMPLEMENTATION OFFICER ARE MY SUPERVISORS, SO THEY ARE PARTIALLY FUNDED FROM FISHERIES DOLLARS. THE AMOUNT OF TIME THEY SPEND DEALING WITH FISHERIES IS NOT APPROPRIATE FOR THE AMOUNT OF MONEY THAT GETS ALLOCATED TO THEIR SALARIES. THESE STAFF OFFICERS ARE OVERLOADED WITH WORK AND SINCE THEY HAVE A FISHERIES BIOLOGIST HERE, ME, THAT'S WHO DEALS WITH FISHERIES. CONVENIENT!! TO TOP IT OFF, I AM NOW BEING TOLD THAT THE D.RGR WANTS TO FLY THE PERM POSITION AS A GS11 WHICH I WOULDN'T EVEN QUALIFY FOR! WHY AN 11? A 7 OR 9 CAN DO IT

#2 I've been a "full time temp" for 7 years on two Districts of the Shasta-Trinity Forests and have received numerous awards. I am a GS-7 with no chance for raises or benefits. I have been a 7 for 3 years. I am raising one teenager with my husband, who also works fulltime in the private sector. Without the benefits or step increases, I can't save anything for my retirement. Every month it is the same. What am I to do when I get older? Maybe I could become a bag lady but the competition is pretty high in small rural towns! I can't even participate in the saving programs offered to permanent personnel. Recently my daughter went into the hospital. She is fine but we will be paying medical bills for a long time (only 30% of the total bills after my private coverage). There's no way we can afford this kind of problem. I figure we'll be paying for three years if not longer. Because we have to buy private (group) insurance for myself and my daughter, my family lives on the edge. We have no money for extras: "cool" teenager clothes (she works too!), vacations and family visits, other basic necessities we do without. It's an endless domino effect. I have "trained" several bosses and filled in as staff during "transitions". I deserve the same benefits as any permanent employee! Temporaries are people too!

#3

I HAD BEEN A SEASONAL EMPLOYEE FOR 11 YEARS WHEN I GOT MY "BIG BREAK". I WAS OFFERED A NTE JOB HEADING UP THE INVENTORY EFFORT ON MY FOREST. I WAS LEAD TO BELIEVE THAT THE APPOINTMENT WOULD LAST FOR 4 YEARS, AND THEN BE MADE INTO A PERMANENT POSITION. MY WIFE AND I DECIDED TO PURCHASE A HOME IN THE AREA SINCE MY OUTLOOK LOOKED ROSY. IMAGINE MY SURPRISE WHEN SHORTLY THERE AFTER I LEARNED THAT MY NTE WAS BEING TERMINATED. I AM STILL DOING THE SAME JOB, BUT I AM NOW ON A 180 DAY APPOINTMENT. THIS WINTER WE WILL HAVE TO DECIDE ON WHETHER TO HEAT THE HOUSE OR PAY THE MORTGAGE.

Curtis Pfeiffer
Post Office Box 1023
Dolores, Colorado 81323

National Federation of Federal Employees
1016 16th Street Northwest
Washington, D.C. 20026

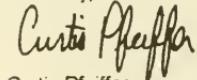
To Whom It May Concern:

I have been a temporary employee of the U.S.D.A. Forest Service for twelve years, and I feel the ability to participate in an affordable health care program is an important issue. On April 10, 1982 I was involved in an auto accident which resulted in serious internal injuries and a shattered right femur. I required a two-week hospital stay, and my medical bills accumulated to \$15,000.00. I am currently paying off my medical debt at a rate of \$30.00 per month.

If there had been affordable health care insurance in 1982, I would not be burdened with this debt. My current income on the G.S.-5 Level (180-day appointment) is usually less than \$10,000.00 annually. The cost of health care is prohibitive with my current salary.

Please consider my testimonial when this issue comes before you this week. I am positive that I am not alone with regards to this matter.

Sincerely,



Curtis Pfeiffer

June 7, 1993

To Whom it May Concern:

I just received the DG message regarding letters from temps, and sincerely hope this letter is not too late to be taken into consideration. I am 31 years old, have a B.S. degree in Wildlife and Fisheries Science, and have been a temporary government employee for 10 years. It has gotten very, very old. When I was attending college from 1980-1987 we used to hear how if we worked for 3 or 4 seasons with the government then we would have enough experience to get a permanent job. This is not the case anymore. I have more than enough education and experience to compete for many types of jobs within the government (particularly the U.S. Forest Service) but because I am not already a permanent employee of the government I can not even apply for 90% of government jobs. This has hurt me both financially and emotionally. Being laid off every year combined with the moving expenses of travelling to temporary jobs (to gain job experience) has left me deep in debt and with a poor attitude about work due to the fact that I can not be considered for permanent work. Also, in cases where a job lasts under 6 months we do not even qualify for unemployment.

WHERE DOES AN AGENCY BENEFIT FROM KNOCKING HIGHLY QUALIFIED PEOPLE (PEOPLE WITH ALL THE RIGHT EDUCATION AND EXPERIENCE) RIGHT OUT OF THE JOB MARKET!?

It makes absolutely no sense! I am no better off than I was before I started college, and I owe that to years of temporary employment. I have no health insurance, still work 2 jobs whenever possible just to break even, can not buy a home, and am forced to seek employment outside of the government. This creates yet another set of problems. No one wants to hire a person who has had as many jobs as I have (add 10 temporary jobs to the winter jobs I have taken and the jobs I worked nights and weekends in addition to these) or someone with a background in natural resources. It just doesn't impress most employers outside of resource agencies. So in fact I have funneled myself into resource-related jobs and have next to no hope of gaining permanent work with the biggest employers in these fields (the government).

Since there are hundreds of people in the same situation I am in (thousands over the past 3 years or so) I do not believe that I simply can't cut it, but that there is a major problem in the hiring system of the U.S. government. Jobs need to be open to anyone who is qualified, and we need to stop eliminating competent and dedicated people from the federal government's job market. When this happens, everyone stands to win.

Sincerely,
Kim Jordan

Kim Jordan
621 E. 7th Ave.
Durango, CO 81301

June 3, 1993

National Federation of Federal Employees
1016 16th Street NW
Washington, D.C. 20036
Attn: Claire Hassett

Dear Ms. Hassett:

A request for infomation on temporaries employees came across my screen today. It will be very hard for our temporaries to attempt writing to you since 95% of the time they do not get to see anything like this since they have no access to a computer. We make copies but sometimes they do not come in the office to check the mail.

I am taking it upon myself to skeak for our seasonanl (temp). We have some that have been here over 15 seasons and are still GS-4 and no sign of ever being converted to PFT. They are locals but are finding it very hard to make ends meet and when they get sick they try getting well on their own because they know how high medical attention can be. My grip is we have converted others with less time why can't we do it for the ones that are good workers and faithful enough to return every season.

My biggest concern is that they are constantly being told that they are temps and have no rights, they are afraid to say anything for fear that the next season they will not have a job. I feel they should be able to be heard they are good enogh to work for the forest service. Iam the Hispanic Program Manager for our district. I have worked for over 23 years and I am hispanic and I can tell you the hardship I have been through many hardships but I came as a PFT and braved it and have managed to stay regardless of all the prejudice.

We need to do something for the temps. We need to get them health benefits and to covert them. The two 15 year temps are both hispanics who are so afraid to say much for fear of not having a job next season. They also know it will get them no where because it is their supervisors that have kept them where they are. One of this temp was a GS-5 for five seasons this year they gave a GS-4 because they could not finance him and yet they gave a GS-5 to a patrol that has been there 5 seasons. Where is justice. Also her husband has a full time job at the same district. This two individuals that I refer to are both hispanics the only two left of several that started at the time they did.

In our new world of Mission, Vision, and Guiding Princples we need to make a difference in our multicultural world of diversity. We should make a difference. Incidentially I am also a GS-4 after 23 years of service and I will go out as a GS-4. When I thought I had a chance to better myself some one else took it.

If there is anything you can do for our temps, please do, somebody needs to help them.

Lydia R Tarsari

6/2/73

Dear Clare,

I write this letter to describe a personal account of difficulty I have experienced since I lack medical benefits as a temporary employee of the USDA Forest Service.

I currently work as a GS-7 technician in fisheries on the Quinault Ranger District, Olympic National Forest. Up to April 13, 1973, I was in the same position on the Sedduck RD of the Olympic.

At Sedduck I functioned as fisheries biologist/program manager working at a GS-11 level. My employment status was (vis) NFS, GS-7.

Now I face a choice relating to my health: I can state along the edge of well being, as I am doing now, or I can incur debt to undergo testing necessary to discover the cause of my condition. Then I can incur more debt to seek a solution.

For 6 months I have experienced flu-like symptoms, respiratory irritation, & cracking fatigue. As an uninsured single person living on a GS-7, step 1 income, I resisted spending money to visit a doctor. When I did visit the doctor in late April, costs for lab tests & office visits depleted my bank account. The tests provided no answers.

2

The doctor has prescribed indispensable supplements that allow me to function at a level higher than that of a few months ago. But we both know that we can't find a solution. Sweeping a floor brings on coughing fits. A late night means low energy for several days. I have had to cancel many of my normal activities. All this is in view of spending money I don't have to find but when I must now live a half life.

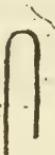
As I look around, I as temporary employee doing a great deal of the high-quality work in this agency. I am sad that we are treated as chattel.

I doubt that I will return to federal service when my appointment ends in November. I have a great deal to offer the agency in the realm of resource management, but can no longer afford to do so.

Thank you for listening.

Cathy Jean

Jean
POB 3191
PA USA
98367



P.O. Box 564
Bly, Or. 97622

Date: 6/2/93

To Whom It May Concern,

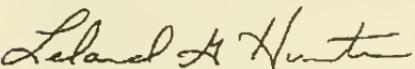
The Forest Service is the major employer, in our small timber community, of 400 persons. Many families are dual career Forest Service employees. I have been a temporary employee since 1984 and my wife is a seasonal also. I have applied for PSB and full time employment on several occasions but have not been selected although I am highly qualified. Many job announcements prohibit temporaries from applying which I feel is a form of discrimination.

I do not wish to move from this area but I would be forced to if the Forest Service were to contract out the work I am now doing.

I do not currently have any health insurance due to my employment status. The rates offered are much to high for a GS-5 salary. I have been diagnosed as having a double hernia but am unable to pay for the surgery to correct this problem.

I would appreciate any help that NFFE can provide to the temporary workforce.

Sincerely,



Leland G. Hunter

MESSAGE DISPLAY FOR SMITH, DEANNA

To Claire Renner-Hasset/NFFE National

Rejected by Post office

Claire Renner-Hasset/NFFE National

(CBO_NSA) Invalid addressee ID provided.

From: SMITH, DEANNA

Postmark: Jun 03.93 9:27 AM

Delivered: Jun 03.93 9:27 AM

Subject: TESTIMONY ON TEMP ISSUE

Message:

My husband started working for the U.S. Forest Service as a seasonal in 1986. While layed off between seasons, he started having congestive heart failure, due to Aeortic Valve Insufficency, which in his case was hereditary. The only way to correct the problem was open heart surgery which cost \$35,000.00.

The same year of his health problems our oldest daughter also incurred \$9,000.00 in medical expenses.

We had no insurance of any kind to help us through this time. As a result of no insurance and \$44,000.00 in medical bills we could not pau we were forced to go bankrupt. With insurance this could of been prevented. Thanks for this oppurtunity.

Deanna Smith
USDA Paisley R.D.

=====X=====

June 3, 1993

Diane M. Green
8344 Rapid Lightning Road
Sandpoint, Idaho 83864-9770

To whom this may concern,

This year will mark my fifteenth year to return as a temporary employee with the U.S.P.S. Department of Agriculture. I am writing you with the hope that the information attached may inform you of my situation as a temporary, and possibly bring some sort of evaluation of the criteria used with the continuous insult of this circumstance for myself as well as other temporaries across the country.

I first began working with the U.S.F.S. in 1976. For the first eleven years, I returned to perform the same duties and job description as a Forest Technician. I am enclosing a portion of an application for Federal Employment with specific narration of what my duties involved, how many personnel I trained, education, training, awards etc. The last position I applied for, I was told that I rated out at one hundred and three, which is well above average.

Over the years, I have trained personnel to be my supervisor. In 1987, I trained my supervisor for 1988 in Sandpoint. Between 1982 and 1986, I trained and supervised fifteen co-workers, have never been paid more for this responsibility, had any of it described in my job description and basicly told that if "you don't like it, go find another job." I suppose that it is necessary to remind a temporary that this is the situation. I have performed job duties as a GS-7 , acting as a contracting officer, writing silvicultural prescriptions, even evaluating "permanent" employees on their ability to correlate what I had taught them! I have been told by several of my supervisors that they were working to get me a permanent position with the agency; that my work was of superior quality, that I was an asset to the organization and if I held on long enough, it would happen. I have received Employee Performance and Development Awards eight of the years with the U.S.F.S. I have received seven Safety Awards, seven Certificate of Merit Awards, cash awards. It is compensation for not receiving the benefits of insurance, retirement or job security. I have not been required to re-apply for my position over the years while remaining at the same ranger district. A "non-competitive re-hire" status has been the closest thing to a secure employment.

In the spring of 1989, I received an on the job injury that has permanent physical limitations. Because of the nature of my employment for the previous eleven years, these restrictions have greatly changed the quality, efficiency, and productiveness of my work and home life. The education and work experience I have, qualify me to pursue my profession as a biological-nursery technician in tree improvement with the USFS. Due to the permanent restrictions noted in the physicians report, and my present physical limitations, I am not able to meet the qualification standards required to administrate the duties described for this job description nor am I able to continue performing the job that I had been doing for the previous years. At the time of the injury, I had no health insurance. I still have no health coverage. When the Workers Compensation benefit ran out, I used all of my annual leave, then all of my sick leave, then leave without pay. Permanent employees are often offered a "leave recipient" option for fellow employees to donate some time. This was never even considered. The limitations from this injury are of great endurance. I have gone from being a totally physically active, independent individual, to one who has restrictions & limitations and now dependent on others for simple tasks. Prior to this injury, I was able to work outside in rough, mountainous country, walk for long distances comfortably, and endure the various duties held within my job description of being a contract inspector with the USFS. I now hold an office job, and no longer receive over-time from previous positions. I now hold no hope or ever getting the permanent position that I had always wanted. I am no longer physically able. Because this is a spinal injury, and it is necessary for me to state as such with any potential future employer, no one will hire me. My work experience is specific to the forest service.

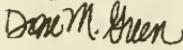
Humility is a way of life for any temporary employee with this agency who has returned year after year. I always believed that if I worked hard enough, that I would get that permanent position, the benefits of the years of service would be applied towards my retirement. Now, I have given up. At the end of each season in the past, I was always told; "You will always have a job here! We need good people like you!" Now I am told, well, we don't know. This is a continued frustration. Mostly because I have loved what I used to do. I am told that I should consider myself "fortunate" to have a job at all with the agency because I have so many limitations. I am not eligible for any type of compensation for the injury. The orthopedic surgeon states that with any "other" agency I would be re-trained for a different type of work. As a federal employee, this is not the case.

I believe this will be my last year with the Forest Service. I am not sure of what else I am physically able to do for a means of employment. Fifteen years as a temporary is too long. I need to think about retirement benefits, health insurance. I just turned forty-one and at present have no savings or long term employment in sight. Yes, I feel like as a temporary, that I have been abused. The permanents, many of them, consider my position as "low-life", even tho, for many of them, I have more experience and knowledge than they do!

I am hoping that this testimony and the attached documents will offer some perspective of just one individual within the vast system of temporary employees who have had hardships due to the status of job description. Fifteen years is an awfully long temporary position!

If there are any further questions you would like answered about this particular case, please feel free to contact me.

Sincerely,



Diane M. Green

A Name and address of employer's organization (include ZIP Code if known)		Dates employed (give month and year) From 4-87 to 1989:	Average number of hours per week 40
U.S.D.A. Forest Service Sandpoint Ranger District Sandpoint, Idaho 83864		Salary or earnings: Beginning \$7.10 per hour Ending \$7.54 per hour	Place of employment City Sandpoint State Idaho
Exact title of your position Forest Technician	Name of immediate supervisor Bob Hafterson	Area Code Telephone Number 208 263-5111	Number and kind of employees you supervised 0-4 GS2-4 seasonals
Kind of business or organization (manufacturing, accounting, social services etc.) Forestry		If Federal service, civilian or military, series grade or rank, and date of last promotion GS/452 - 5 8/1986	Your reason for wanting to leave Career advancement
Description of work (Describe your specific duties, responsibilities and accomplishments in one job.)			
<ul style="list-style-type: none"> * Designated inspector for contract tree planting & thinning with responsibility for: Checking contractors performance for compliance with any portion of the contract, including issuance of work orders, & maintaining project diary of all occurrences while on project. Collection of weather data to determine conditions suitable to seedling survival. (30% of time) * Establish reforestation accomplishment reports to determine on ground costs of planting contracts, planting stock storage & handling, number & species of trees in units and scheduled reforestation exams for certification status. Input this data into computer. (15% of time) * Evaluate & prepare field prescriptions for initial reforestation activities & treatment in recently logged areas; determine plantability, habitat type, species to be planted & specifications for prescription details for contracts. Input this data into computer. (15% of time) * Member of force account stand exam crew performing timber stand exams, plantation stocking surveys, regeneration exams & walk thru evaluations. Worked independently collecting, recording & accessing natural resource data for management evaluation. Duties include: stand location, forest mensuration, insect & disease identification, habitat type, plant identification. (15% of time) * Edit field data to determine regeneration status for certification & treatment. * Edit & evaluate forest inventory stand exams from previous activity records to determine future exam objectives & treatment plans. (10% of time) * Tree improvement inventory at the Dry Creek Seed Orchard to determine specific growth problems, animal damage, & seedling mortality. (5% of time) * Cone collection of White Pine & Western Larch. Supervised four GS-3 temporary employees; maintained work schedules & time reports while on project. (5% of time) * Cone collection contract inspector; maintained work schedules & payment vouchers for a four person climbing crew. Responsible for cone tags & cone handling check list. (5% of time) * District fire control duties as crew member for broadcast burning projects. <p>Actual dates of employment: 4/1987 to 11/87 4/1988 to 12/88 4/1989 to 11/89</p>			
			For agency use (see code 161)

If you need additional experience blocks, use Standard Form 171-A or blank sheets of paper

B Name and address of employer's organization (include ZIP Code if known)		Dates employed (month and year)		Average number of hours per week
U.S.D.A. Forest Service Avery Ranger District Avery, Idaho 83802		From 8-82	To 11-1986	40
		Salary or earnings		Place of employment
		Beginning \$ 6.16 per hour		City Avery
		Ending \$ 7.10 per hour		State Idaho
Exact title of your position Forest Technician	Name of immediate supervisor Bill Schoppach	Area Code 208	Telephone Number 245-4517	Number and type of employees you supervised 0-4 GS2-4 seasonals
Kind of business or organization (manufacturing, accounting, social services, etc.) Forestry		If Federal service Credit or honorary, series, grade or rank, and date of last promotion GS/462-5		Your reason for wanting to leave Career advancement
Description of work (Describe your specific duties, responsibilities and accomplishments in this job.)				
<ul style="list-style-type: none"> * Inspector for contract tree planting. Duties: 1) Checking contractor's performance for compliance with the technical specifications of the contract. 2) Issuing notices of noncompliance to the contractor when work was not being done in accordance with contract scope. 3) Reporting to the COR any refusal or failure by the contractor to comply with contract provisions. 4) Maintaining a project daily diary of all occurrences or developments which occurred while on the project. (30% of time) * Field supervisor for two GS/4 and two GS/2 seasonal employees. Requirements of job included training crew how to accurately collect, measure, evaluate & record data pertinent to the remonumentation of White Pine tree improvement seed trees. Maintained work schedules & time reports while on project. (25 % of time) * Evaluation & selection of superior seed trees for White Pine & Douglas Fir tree improvement program. This involved; observing pollen production for future cone production, all aspects of mensuration, seed productivity, defect & damage, making location maps & laying out production areas for cone collection contracts. (15% of time) * Administer cone collection contract for White Pine & Douglas Fir tree improvement projects. Responsible for cone tag identification & cone handling check list; Maintained work schedules & payment vouchers for climbing contractor. (10% time) * Trained five GS/4 seasonal employees to use equipment such as: compass, maps, aerial phot interpretation, relaskop, clinometer, and how to traverse unit boundaries. (5% of time) * Trained three GS/4 seasonal employees to do planting contract inspections. (5%) * Updated and revised data record for remonumentation of select White Pine seed trees. Re-grouped seed trees by location, township, range & mapped location. Corrected initial records of program at Moscow research station. (5% of time) * Perform walk thru & standard exams to develop silvicultural prescriptions for thinning & planting acres; delineate, lay-out and traverse unit boundaries determined by plantability or thinning needs. (10% of time) * Collect & evaluate data from seedling plantations for survival exams to determine specific symptoms associated with seedling mortality, damage or reforestation needs. (15% of time) * District fire control duties as crew member for broadcast burning projects. 				
Actual dates of employment: 8/1982 to 11/82 5/1984 to 12/84 4/1985 to 10/85 4/1986 to 11/86				
				For agency use (SIN/Codes, etc.)

If you need additional experience blocks, use Standard Form 171-A or blank sheets of paper
NCS 14750000000000000000

C Name and address of employer's organization or business ZIP Code, if known		Dates employed (give month and year)		Average number of hours per week
U.S.D.A. Forest Service St. Maries Ranger District St. Maries, Idaho 83861		From 8-76	To 6-1980	40
		Salary or earnings		Place of employment
		Beginning \$ 3.87 per hour	Ending \$ 6.18 per hour	City St. Maries State Idaho
Exact title of your position		Name of immediate supervisor	Area Code Telephone Number	Number and kind of employees you supervised
Forest Technician		Harvey Polson	208 245-2531	0
Kind of business or organization (manufacturing, accounting, social services, etc.)		If Federal service, civilian or military, Series, Grade or Rate, and date of last promotion		Your reason for wanting to leave
Forestry		GS/462-4 6-1978		Career Advancement
Description of work (Describe your specific duties, responsibilities and accomplishments on this job):				
<ul style="list-style-type: none"> * Designated inspector for contract tree planting & stand exams. Duties as inspector described in previous work experience blocks A & B. (60% of time) * Reforestation surveys for first, third and fifth year survival exams for field evaluations and reforestation needs. (20 % of time) * Reviewed & updated Tree Improvement documentation project for Western White Pine co-operative with St. Maries, Avery & Red Ives Districts. Evaluation of trees for pollen and cone production, and cone collection project. * Member of force account stand exam crew performing timber stand exams, plantation stocking surveys. Worked independently collecting, recording & accessing natural resource data for management evaluation. <p>Actual dates of employment: 8/1976 to 10/76 6/1978 to 9/78 6/1979 to 11/79 5/1980 to 7/80</p>				
For agency use (mail code, etc.)				

If you need additional experience blocks, use Standard Form 171-A or blank sheets of paper
 100 FORMS - 1000 PAGES

I worked with Diane Green in 1987 and 1988, and would like to describe the physical nature of the job in which she was employed prior to her injury. We were both treeplanting contract inspectors for the U.S. Forest Service and I know firsthand the requirements of the work.

Treeplanting inspectors wake up before it is light out, drive to work, and once at work begin their day by loading boxes of trees into their vehicles. The boxes weigh about 25-40 pounds (my estimate), but are somewhat cumbersome to lift because of their shape. Normally, the vehicle is loaded when no more boxes can be stuffed inside. Loading consists of jumping in and out of the truck, bending over to pick up the boxes, and carrying them distances of up to 50 feet to the truck.

Once all the trees are loaded the next part of the job is to drive on out into the woods. The trip one way can take an hour, and perhaps up to two hours when accessing more remote areas. The roads are at best secondary highways, and more usually bumpy, uneven, slow-to-drive forest system roads. Some roads are gated to provide wildlife security. These gates are sometimes twisted or bent (by forces unknown) and can be extremely difficult to lift and move when trying to open them.

Once at the planting site, the inspector must climb back up into the truck, bend over to pick each box up, and climb down to unload it. It is at this point that the real work of a treeplanting inspector begins.

The inspector must traverse the hillsides looking over the contractor's work for compliance with contract specifications. The terrain can be steep (up to 60% is not unusual). There may also be brushy areas to climb through, and rocky uneven ground. Many times there may be down logs to hoist oneself over, or to perhaps crawl under.

While looking everything over, the inspector must carry a hoedag (planting tool) which is a heavy and rather clumsy tool. When digging trees to inspect underground condition of the newly planted seedlings, this tool is swung over head and "thrown" into the ground to make a planting hole. An average of 3 trees per plot are inspected. Normally, around 10-12 plots per day are inspected. Each plot is representative of 2 acres, so an inspector will routinely cover 20 or more acres of hillside terrain in a day; many times swinging the hoedag to find plantable ground.

This activity can go on for 2 or three weeks with only one or two days off during that period.

Having worked side-by-side with Diane Green I have firsthand knowledge of her abilities to have performed this job. Being also a personal friend, I know that her day didn't end after 10 or 11 hours of work in the field. She had many animals and chores at home, as well as a large garden that demanded her attention, as well as more physical labor when she got home from work at night.

This statement submitted by: Risa Devore

Risa Devore

Date: 10-24-91

TO WHOM IT MAY CONCERN,

DIANE GREEN WORKED FOR OR WITH ME AS A CONTRACT TREE PLANTING INSPECTOR FOR THREE PLANTING SEASONS, UP UNTIL HER ACCIDENT. THE DUTIES SHE PERFORMED DURING THIS JOB INCLUDED:

-LOADING TRUCKS WITH BOXES OR BUCKETS OF TREES EACH DAY. I ESTIMATE THE WEIGHT OF THE TREE BOXES TO BE 25 TO 40 POUNDS AND THE WEIGHT OF BUCKETS OF TREES TO BE 20 TO 35 POUNDS EACH. EACH MORNING 10 TO 25 OF THESE CONTAINERS WERE LOADED.

-DRIVING A PICKUP TRUCK TO AND FROM THE SITE ON ROUGH FOREST ROADS FROM 1 HOUR TO AN HOUR AND A HALF EACH WAY.

-OPEN AND CLOSE STEEL GATES BY LIFTING. LIFTING SOME GATES IS EQUIVALENT TO LIFTING 70 TO 80 POUNDS, IN MY EXPERIENCE.

-WALKING ON USUALLY STEEP AND ROUGH TERRAIN, THROUGH A PLANTING UNIT. ON THE GROUND INSPECTION GENERALLY TAKES 6 TO 10 HOURS A DAY.

-SWINGING A PLANTING TOOL (HOEDAG) TO DETERMINE IF A SPOT IS PLANTABLE, DURING THE INSPECTION PROCESS.

-DIGGING 12-14 INCH HOLES TO INSPECT ROOT PLACEMENT OF PLANTED TREES. THIS REQUIRED BENDING DOWN WHILE KNEELING TO SEE THE ROOTS IN THE HOLE.

-KNEELING ON THE GROUND TO CLOSELY INSPECT EACH TREE ON THE PLOT. GENERALLY EACH PLOT CONTAINS 5 TO 13 TREES AND AN INSPECTOR DOES 8 TO 12 PLOTS PER DAY.

DIANE WAS FIT ENOUGH TO PERFORM ALL THESE DUTIES ON HER OWN, FOR THE LENGTH OF A PLANTING SEASON WHICH WAS GENERALLY 30 DAYS, TWICE A YEAR.

SINCERELY,

KEVIN NAFFIN
10-22-91
CONTRACTING OFFICER'S REPRESENTATIVE

FRANK J. CIPRIANO, M.D.
ORTHOPEDIC SURGEON
1327 SUPERIOR
SANDPOINT, IDAHO 83864
TELEPHONE (208) 263-5597

Sept 27, 1990

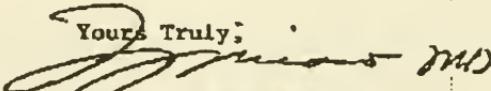
Re: Diane Green
DOA 5-18-90
Claim # A14-243754

Final Rating 9-18-90

Condition has stabilized and is essentially unchanged since the last visit on 12-20-89. She still has pains with sitting, lifting and bending activities. She is still modifying her activities at work and at home.

Diagnosis- Discogenic lumbar strain, chronic

Using the Manual for Orthopedic Surgeons in permanent physical impairment I would recommend a 7% whole person permanent impairment rating.

Yours Truly,

Frank J. Cipriano, M.D.

**U.S. DEPARTMENT OF LABOR
OFFICE OF WORKERS' COMPENSATION PROGRAMS**

In the matter of the claim for compensation under
Title 5, U.S. Code 8101 et seq. of

DIANE MILLER GREEN

Claimant

COMPENSATION
ORDER

REJECTION
OF CLAIM
IN CASE
A14-243754

employed by:

US DEPARTMENT OF AGRICULTURE
COEUR D'ALENE, IDAHO

Such investigation under 5 USC 8101 et seq. in respect to the above-entitled claim having been made as is considered necessary, and after due consideration of such claim and reports of record, the Office of Workers' Compensation Programs makes the following:

FINDINGS OF FACT

The claimant named above is or was a civil employee of the agency named above; that the claimant filed timely notice of traumatic injury and claim for compensation; that the attached Memorandum to the Director contains the remainder of the essential findings of fact in this claim and is made a part hereof by reference.

Upon the foregoing Findings of Fact, it is ORDERED that claim for compensation be, and the same is hereby REJECTED for the following reason(s):

Section 8107 of the Act does not provide for a Schedule Award for the accepted condition.

Given under my hand at
Seattle, Washington
this 12th day of December, 1990

COLLETTE BULLIS
Senior Claims Examiner

For the Director of the Office of
Workers' Compensation Programs



U. S. Department of Labor

Employment Standards Administration
 Office of Workers' Compensation Programs
 1111 Third Ave., Suite 650
 Seattle, WA 98101-3211
 (206) 442-5508

January 9, 1991
December 11, 1990

File Number: A14-243754
 Date of Injury: 05/18/1989
 Employee: DIANE MILLER GREEN

DIANE MILLER GREEN
 8344 RAPID LIGHTNING RD.
 SANDPOINT, ID. 83864

Dear Ms. Green:

Your claim for compensation benefits has been disallowed for the reason stated in the enclosed copy of the compensation order. The decision was based on all evidence of record and on the assumption that all available evidence has been submitted. If you disagree with the decision, you may follow any one of the courses of action outlined on the attached appeal rights.

Under Office of Personnel Management (OPM) regulations, an employee who recovers from a compensable injury within one year is entitled to mandatory job restoration and is expected to apply for work with the employing Federal agency immediately upon recovery. Employees who recover more than one year after the injury are entitled to priority consideration, provided they apply for reemployment within 30 days after compensation ceases. You may obtain further information concerning restoration rights from your agency or any OPM area office (if you are a postal employee, contact your local personnel office). You should also contact your former employing agency or OPM for advice on continuing any health insurance and/or life insurance coverage.

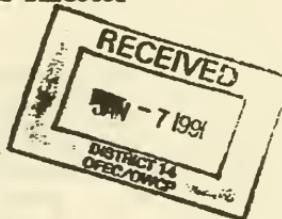
Sincerely,

Martin Walker
 for COLLETTE BULLIS
 Senior Claims Examiner

(CA-1042 rev. 2/88)

Enclosures: Compensation Order w/appeal rights
 Memorandum to the Director

US DEPARTMENT OF AGRICULTURE
 FOREST SERVICE
 IDAHO PANHANDLE NF
 1201 IRONWOOD DRIVE
 COEUR D'ALENE, ID. 83814



United States Forest Idaho Panhandle 1201 Ironwood Drive
Department of Service National Forests Coeur d'Alene, ID 83814
Agriculture
Caring for the Land and Serving People

Reply to: 6130

Date: February 1, 1993

Subject: Coeur d'Alene Nursery Packing Shed Program

DIANE GREEN
8344 RAPID LIGHTNING ROAD
SANDPOINT, ID 83864

I received the application you submitted to the Coeur d'Alene Job Service for the position of Laborer, WG-3502-2, at the Coeur d'Alene Nursery on the Idaho Panhandle National Forests.

You were found not qualified for this position, if you wish to discuss this, please contact me at 208-765-7430.

Thank you for your interest in employment with the Idaho Panhandle National Forests.

JACLYN WOODS
Employment Officer

* Found not qualified because of the physical limitations due to the injury. My eleven years in treeimprovement qualify me over most applicants for this position.

Signed,
Diane Green

June 15, 1972

To whom it may concern

In regards to the letter sent out about temperatures hardships due to lack of health insurance. We have a son who has juvenile diabetes we haven't been able to afford taking him to his specialist for his every 6 month check-up because we haven't had the money to do it with.

Also my wife fell and snatched her leg last year and we couldn't afford to fix her in time for Christmas. She is still in a lot of pain and will be for quite some time.

The only time we have had any money out for the doctor is for emergency reasons. Even now we have about \$400 worth of doctor bills that needs to be paid.

With a family of five we have been blessed on more than many real hospitalization situations for the past 3 yrs. Our son who has diabetes was hospitalized 3 times in the first year and he continues to do well.

ies - we do need health insurance
especially for our physician for the
family and 6 month check-ups for our
son. Not to mention other health situations
that come up.

Thank you for your concern
in this matter.

Bonnie Miller

225 W. End

Box 225 • 9532

204 225-9532

MESSAGE DISPLAY FOR JEFF M. TANASSE -

To J.TANASSE:GWIR

From: Greg R.Arkle:R06FO3D04A
Postmark: Jun 07,93 5:06 PM

Delivered: Jun 07,93 4:53 PM

Subject: TEMP. HORROR STORY

Message:

I HAD BEEN A SEASONAL EMPLOYEE FOR 11 YEARS WHEN I GOT MY "BIG BREAK". I WAS OFFERED A NTE JOB HEADING UP THE INVENTORY EFFORT ON MY FOREST. I WAS LEAD TO BELIEVE THAT THE APPOINTMENT WOULD LAST FOR 4 YEARS, AND THEN BE MADE INTO A PERMANENT POSITION. MY WIFE AND I DECIDED TO PURCHASE A HOME IN THE AREA SINCE MY OUTLOOK LOOKED ROSY. IMAGINE MY SURPRISE WHEN SHORTLY THERE AFTER I LEARNED THAT MY NTE WAS BEING TERMINATED. I AM STILL DOING THE SAME JOB, BUT I AM NOW ON A 180 DAY APPOINTMENT. THIS WINTER WE WILL HAVE TO DECIDE ON WHETHER TO HEAT THE HOUSE OR PAY THE MORTGAGE.

-----X-----

Dear Sirs:

June 3, 1993

I am writing to you as long term temporary employee of the U.S. Forest Service. I am currently working as a GS-7 NTE Wildlife Biologist on the Wenatchee National Forest in eastern Washington. I have been in this position for two full years with no layoff. I have no health insurance, no pay raises, and no ability to apply for permanent jobs unless they are advertised as special Demonstration jobs. There are many people in the Forest Service performing valuable work who are in the same position. I have one woman friend in a similar position, who has been with the F.S. for 20 seasons with a total of 14 full years of work, no insurance, no benefits, and no possibility of job security. This is wrong. The very backbone of the F.S., those who are doing most of the work, are being treated as a disposable labor force.

These issues have been raised repeatedly by the temporary work force of the U.S. Forest Service. The time is right to correct these problems. A high percentage of our temporary employees have 4 year college degrees, families and children. We are isolated and separated from our colleagues and co-workers by the fact of their higher pay, regular increases and health and retirement benefits. They are embarrassed to be performing equal work with us for unequal compensation. We face the distinct possibility of losing many of our best people due to discouragement and the desire to provide stability for their families.

Raising children with no health insurance, knowing that you could be paid the same wage for the rest of your career, and having no possibility of retirement is terribly discouraging. We feel like second class citizens within our own country and government. Now is the time to change all this. Please listen to all the testimony and letters you receive. Thank you.

Sincerely,

Joe Kelly
Box 252
Ardenvoir, Wa. 98811
509-784-2852

MESSAGE DISPLAY FOR JEFF M. TANASSE

To J.TANASSE:R06F03D08A

From: MICHELLE M. GILROY:R05F14D52A
Postmark: Jun 07,93 9:26 AM Delivered: Jun 07,93 11:51 AM
Status: Previously read
Subject: TEMPORARY EMPLOYEE CONCERNS

Message:

MORALE OF SEVERAL TEMPORARIES I AM IN CONTACT WITH, INCLUDING MYSELF, IS VERY LOW. REASONS FOR THIS INCLUDE 1) NOT BEING REGARDED AS A "TRUE" FOREST SERVICE EMPLOYEE DUE TO THE TEMP STATUS 2) NOT HAVING THE OPPORUNITY OF MEDICAL BENEFITS EVEN AFTER BEING A GOVERNMENT EMPLOYEE FOR CONSECUTIVE YEARS 3) BEING USED AS "FILL-INS" UNTIL A PERMANENT EMPLOYEE IS HIRED.. FOR ME #3 IS THE BIGGY, I WAS HIRED AS A GS7 TEMPORARY FISHERIES BIOLOGIST TO DO THE DISTRICT FISHERIES BIOLOGIST JOB. THERE IS CURRENTLY NO PERMANENT FISHERIES BIOLOGIST, THEREFORE I AM EXPECTED TO PERFORM DUTIES EQUIVALENT TO A PERMANENT EMPLOYEE WHO WOULD BE OCCUPPYING THIS POSITION. NO ATTEMPTS TO HIRE A PERMANENT EMPLOYEE HAVE BEEN MADE IN THE YEAR I'VE BEEN HERE BECAUSE OF THE "POOR BUDGET SITUATION"; HOWEVER, A PLANNING AND IMPLEMENTATION OFFICER ARE MY SUPERVISORS, SO THEY ARE PARTIALLY FUNDED FROM FISHERIES DOLLARS. THE AMOUNT OF TIME THEY SPEND DEALING WITH FISHERIES IS NOT APPROPRIATE FOR THE AMOUNT OF MONEY THAT GETS ALLOCATED TO THEIR SALARIES. THESE STAFF OFFICERS ARE OVERLOADED WITH WORK AND SINCE THEY HAVE A FISHERIES BIOLOGIST HERE, ME, THAT'S WHO DEALS WITH FISHERIES. CONVENIENT!! TO TOP IT OFF, I AM NOW BEING TOLD THAT THE D.RGR WANTS TO FLY THE PERM POSITION AS A GS11 WHICH I WOULDN'T EVEN QUALIFY FOR! WHY AN 11? A 7 OR 9 CAN DO IT

-----X-----

I'VE BEEN A TEMPORARY EMPLOYEE FOR THE FOREST SERVICE SINCE 1978! I worked a year as a crewperson and eventually a crewleader of a Y.A.C.C crew (Young Adult Conservation Corps.) I spent 5 seasons on a fire crew and eventually became Assistant Foreman. The next 3 seasons were spent working for the timber dept. where I marked timber, surveyed property boundaries, inspected contracts, climbed trees to collect cones, worked with Y.C.C and C.C.C. crews planting trees. I took 2 years off from the forest service, but returned in 1989 to work for the Silviculture dept. as a contract inspector and to gather stand exam data. This work was year-round until last fall when my position was unfunded due to lack of money. Another temporary employee in that dept. was replaced by THREE permanent employees from another district! I'm now a 180 day temporary employee in the Botany dept.

Temporary employees don't get step increases with time, as do permanent employees. There's no retirement, no medical. My family does have private medical insurance. For about \$200. per month, we get \$500 deductible coverage. That's about 20% of my take-home paycheck, for what is basically catastrophic insurance.

I've seen other temps. in the same situation, hanging in there, year after year with the promise that they're job will turn permanent "maybe next year". There was one employee here that was a temporary for 19 years before he finally went to work in the private sector. In some communities, the Forest Service is the only employer around, so there really isn't any choice.

Temporary employees do the same work as permanents. There is no reason at all that a person who works year after year should be considered "temporary".

MESSAGE DISPLAY FOR JEFF M. TANASSE

To J.TANASSE:R06F03D08A

From: LINDA MCCASLIN:R05F14D54A
Postmark: Jun 07,93 11:49 AM Delivered: Jun 07,93 11:48 AM
Status: Previously read
Subject: STORY FOR COMMITTEE/FS TEMP ISSUES

Message:

I've been a "full time temp" for 7 years on two Districts of the Shasta-Trinity Forests and have received numerous awards. I am a GS-7 with no chance for raises or benefits. I have been a 7 for 3 years+. I am raising one teenager with my husband, who also works fulltime in the private sector. Without the benefits or step increases, I can't save anything for my retirement. Every month it is the same. What am I to do when I get older? Maybe I could become a bag lady but the competition is pretty high in small rural towns! I can't even participate in the saving programs offered to permanent personnel. Recently my daughter went into the hospital. She is fine but we will be paying medical bills for a long time (only 30% of the total bills after my private coverage). There's no way we can afford this kind of problem. I figure we'll be paying for three years if not longer. Because we have to buy private (group) insurance for myself and my daughter, my family lives on the edge. We have no money for extras: "cool" teenager clothes (she works too!), vacations and family visits, other basic necessities we do without. It's an endless domino effect. I have "trained" several bosses and filled in as staff during "transitions". I deserve the same benefits as any permanent employee! Temporaries are people too!

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Mr. McCLOSKEY. Mr. Tobias.

Mr. TOBIAS. Thank you, Mr. Chairman.

I am Robert Tobias, president of the National Treasury Employees Union. I am pleased to be here and pleased certainly at your leadership on this most important issue.

It seems to me when we think about temporary employees, it was really once a good idea that has been corrupted by excesses.

It makes sense. It did make sense at one point in time that an agency would come to OPM and say we have a workload distribution problem where we can bring in some temporary employees and they will solve the workload distribution, we don't want them to be permanent. But what has happened is that agencies have seriously abused the existing regulations and OPM has done nothing to stop it.

Now, you have heard testimony today about the excesses. We represent folks in the Federal Deposit Insurance Corporation. There are 7,600 of them who are temporary employees. The work force is run not by permanent employees but by temporary employees, 6,600, 80 percent of them, many are up to 15 years in temporary positions. That is not a system that is designed to alleviate workload fluctuation; it is a system designed to abuse and take advantage of a work force.

We believe, Mr. Chairman, that has to stop. It is not a question of—as some say—we are trying to save money and the Government ought to save money by hiring temporary employees. I believe it costs the Government money to employ this work force because, for example, we ran a survey among this group of folks and asked them whether or not they would report or had reported waste, fraud-and abuse on the job; 727 responded, 727 said "no."

That is not surprising because if your employment depends on an annual evaluation of whether you are going to continue in your employment and the supervisor has that total authority, you are not going to report that supervisor. It will never ever happen.

So these folks, these temporary employees, we believe ought to have the opportunity to challenge discharge actions after 2 years. They ought to have health insurance when they begin their employment. They ought be able to participate in a retirement program after a period of 2 years, and they ought be able to have life insurance because the Government will get a lot more out of those folks who feel connected to the Federal Government rather than from folks who feel constantly abused by the Federal Government as an employer.

Mr. Chairman, we think that OPM has made some significant progress in their response but we believe that they still have aways to go to correct what I believe is not only a serious inequity but I believe costs the taxpayers money in the end.

Thank you very much.

Mr. McCLOSKEY. Thank you, Mr. Tobias. We will have some discussion in 1 minute.

[The prepared statement of Mr. Tobias follows:]

PREPARED STATEMENT OF ROBERT TOBIAS, PRESIDENT, NATIONAL TREASURY EMPLOYEES UNION

Mr. Chairman, on behalf of the 150,000 employees represented by NTEU, I'd like to thank you for having this hearing and for affording me the opportunity to testify

on the important issue of the use of temporary employees by the federal government. Today I will speak about the problems confronting temporary Federal employees generally and FDIC temporary employees specifically. I will also address OPM's recommendations on the issue of temporary employees as set forth in their most recent report, "The Rights and Benefits of Temporary Employees In the Federal Government."

NTEU is particularly concerned about temporary employees, known as LG's or liquidation grade employees, whom it represents at the FDIC. As of July 10th, 1991, the FDIC employed 7,664 of these temporary employees. Their duties include managing and liquidating the assets of failed banks. Unlike some even less fortunate temporary employees in the federal government, LG employees at the FDIC are afforded the opportunity to participate in FDIC's own health benefits plan from the inception of their employment. They are not afforded the opportunity, however, of choosing among any of the other Federal Employees Health Benefits Plans, as permanent employees of the Corporation are.

LG employees at the FDIC, however, have no job security. This is despite the fact that nearly one thousand of these employees have served continuously for 5 years or more and roughly 80 percent have served more than one year.

No matter how long they serve in continuous one year appointments, they cannot appeal a non-renewal to the Merit Systems Protection Board. We represent employees who have served continuously for fifteen years and still have no job security.

We applaud this Committee for its concern over The Office of Special Counsel and the need to have adequate protection for Whistleblowers. The problems of waste, fraud and abuse are particularly widespread and well known at the FDIC. Unfortunately, however, no matter how much reform we do to the Office of Special Counsel or other statutes governing the rights of Whistleblowers, FDIC temporary employees will remain vulnerable.

If an employee blows the whistle at the FDIC, the Agency can simply not renew (his/her) appointment. Under current law the FDIC is not required to give any reason for not renewing these employees' appointments. Of course, employees are well aware of their vulnerability on this issue and choose to remain silent. In a survey prepared by NTEU, 727 of the LG's who responded stated they would hesitate to report incidents of waste, fraud or abuse for fear of non-renewal of their one year contract.

FDIC has special authority from OPM (Section 213.3133, 55 Federal Register 185) to hire LG employees under Schedule A, that is: without an examination, and on a temporary basis. It is the temporary designation, however, that prevents these employees from ever gaining due process rights in a dismissal.

Recently, we were successful in enacting legislation introduced by former Congressman Gerry Sikorski (D-Minn.) known as the Civil Service Due Process Amendments of 1990 that provides excepted service employees, including Schedule A employees, the right to appeal an adverse action to the Merit Systems Protection Board once they have completed 2 years of continuous service.

This protection is limited, however, to those who have "completed 2 year(s) of current continuous service under other than a temporary appointment limited to 1 year or less". In our view this is a loophole that could easily be fixed by providing appeal rights to excepted service employees after 2 years of continuous service, period. By definition, jobs that continue for two years or more are not temporary and should not be treated as such.

NTEU has been working to get job protection, pension benefits and permanent status for LG employees in the courts and through legislative avenues. Members of this Committee have been very helpful in that effort. In the last Congress former Congresswoman Oakar and Congressman Moran were successful in getting the House Banking Committee to allow LG employees to appeal a non-renewal of a contract after two years of service as part of H.R. 3435. That language was not included in the Barnard substitute, however, which was finally passed by both houses of Congress.

Congressman Wynn is hoping to introduce this same amendment on the floor to the RTC funding bill. This amendment would give LG employees MSPB appeal rights after two years of service, if the FDIC is not downsizing, when their contracts are not renewed. The Government Accountability Project supports this amendment and we hope we can rely on this Committee for its continued support on this issue.

I appreciate this Committee's concern over the temporary hiring abuses in the competitive service. I believe, however, that excepted service temporary employees are in a far worse position. While I'm sure that abuses of temporary hiring authority exist in the competitive service, at least there are some clear standards. For example, section 316 of the Federal Personnel Manual states that temporary appointments are appropriate to: "meet a workload peak" (316 FPM 2-2b (1)); staff "con-

tinuing positions when future funding and workload levels are uncertain or when it is anticipated that funding levels will be reduced or that the activity will be reorganized" (316 FPM 2-2b (2)); fill "permanent positions on a temporary basis in order to save them from eventual incumbency by permanent employees expected to be displaced from other parts of the organization" (316 FPM 2-2b (3)); fill "vacancies which occur in activities under study for possible contracting out" (316 FPM 2-2b (4)); hire "temporary employees to perform recurring seasonal work which the agency expects to last less than 6 months in a year." (316 FPM 2-2b (5)).

These guidelines for hiring temporary competitive service employees also set out when it is inappropriate to use temporary employees, including: "hiring temporary employees to avoid the costs of employee benefits or ceilings on permanent employee levels" (316 FPM 2-2C (1)). The Federal Personnel Manual also states: "By definition, temporary employment is expected to last for a limited time, as contrasted with permanent or career employment which has no such limitation." This chapter permits agencies to extend a temporary employee's service for a total of up to 4 years from the date of initial appointment. "Continuous employment lasting longer than this is outside the normal scope and intent of temporary employment. . . ." (316 FPM 2-2d).

The use of temporary employees in the excepted service, on the other hand, is not subject to such clear guidelines. The only reference to the use of temporary employees in the excepted service in the Federal Personnel Manual states: "Time-limited appointments in the excepted service, as in the competitive service, may meet legitimate organizational needs. For example, agencies may use time-limited appointments to staff short-term projects or activities for which continued funding is uncertain, or to ensure periodic rotation and infusion of fresh ideas in positions which require current, first-hand field knowledge" (213 FPM A-2 e). Such vague guidelines as these invite abuse of temporary positions, especially in the excepted service.

NTEU believes that LG employees at the FDIC have been inappropriately designated as temporary employees and that the primary reason is to avoid paying the costs of benefits for these employees, which would clearly be a violation of the Federal Personnel Manual guidelines if these employees were in the competitive service.

I would now like to comment on the report prepared by OPM on temporary employees, specifically the provisions under the heading "Alternatives for Further Action". First, let me state NTEU's position generally and then outline our specific response to each option in the report. NTEU urges this Committee to:

(1) Amend the Civil Service Due Process Amendments of 1990 to allow temporary employees who have served two years to appeal an adverse action or non-renewal of a contract to the Merit Systems Protection Board.

(2) Require that agencies provide health, life and pension benefits to temporary employees after they have completed two years of continuous service.

While I believe these actions would bring about the beginning of the end of the widespread abuses now apparent in the federal government's use and abuse of temporary employees, I recognize that the cost associated with the second concept makes it difficult to achieve in the current climate. Therefore, I believe that some of the proposals suggested by OPM would be appropriate as interim measures.

NTEU is very concerned about the employee who works continuously for many years and is denied benefits. We endorse the recommendation in the OPM report to limit temporary appointments from four to two years and encourage the use of term appointments for longer-lasting non-permanent work. We would also suggest that the two year temporary employee limitation be applied to temporary excepted service employees as well as competitive service employees. The OPM recommendation, in addition to being sorely needed, is fair and reasonable. Clearly, employees continuously employed for over two years deserve and need the benefits associated with permanent employment.

Similarly, we support a proposal to allow non-permanent employees the opportunity to qualify for permanent positions through agency merit promotions. These employees are entitled to have their hard work recognized and appreciated through promotions. Moreover, employees who have served continuously should be given the opportunity to break out of the temporary employment cycle. We believe, however, that the benefit to compete for career appointments, should be limited to those employees who have served continuously for two years. To allow employees who have served for less time would be inequitable to permanent employees and invite abuse on the part of the employing Agency.

NTEU believes strongly that every federal employee, despite his/her service duration, is entitled to health insurance. We do not believe that coverage should be limited to those employees who have served for one year. One year is simply too long to wait to obtain health insurance. What do you say to the temporary federal employee who gets cancer during his six month appointment? NTEU believes that

health insurance should be offered for all employees, temporary or otherwise, to the extent it is administratively feasible.¹

The OPM Report provides two options for Government payment of premiums for health insurance for temporary employees. The first option is to provide a Government contribution once a temporary employee is eligible to enroll for health benefits (currently temporary employees with appointments of 1 year or less are only eligible after serving a year and being reappointed.) The second option is to provide a Government contribution after an accumulation of five years of service. NTEU supports a government contribution to health premiums as early as possible. At a minimum, we believe that temporary employees who have served continuously for two years are entitled to have the government pay a share of their premium.

We strongly endorse the concept of the government paying premiums after a temporary employee has accumulated a given number of years of service. However, we are concerned that five years of accumulated service, as recommended in the OPM report, may be too long. These dedicated employees deserve recognition through compensation, prior to serving five years of accumulated service.

The OPM report suggests that life insurance coverage parallel the options for health benefits described above. While NTEU supports the notion of life insurance for temporary employees, we believe that health insurance for temporary employees, we believe that health insurance needs to be the first priority of this Committee. We suggest life insurance be available to all employees, but government contribution be diverted, at the option of the employees, to health insurance. Otherwise, our recommendations for health insurance are parallel to offering life insurance.

Finally, we would like to address the provisions relating to temporary federal employees and retirement. NTEU supports the notion of retirement benefits for federal employees when it makes sense. In other words, NTEU would not favor a requirement that both the employing agency and employee pay into a retirement system if the employee was never entitled to annuity benefits.

We do support the concept of providing an option to temporary employees, after a threshold of accumulated service has been reached, of retirement coverage. To address the problem of prior excluded service, we believe that temporary employees should be given the option to pay 3 percent of their basic pay to purchase past credit for civilian service. Military personnel obtain credit for military service by paying 3 percent of their base pay into their retirement.

We oppose the notion of limiting credit for temporary service only if the employee later receives a covered appointment and completes enough service to qualify for an annuity. Under such a concept, only after an employee became eligible for an annuity, would he/she and his/her agency be permitted to contribute retroactively to the retirement fund. This would put an unfair financial hardship on an employee who would be required to pay, after five years of service, his/her contribution to the retirement system. It would be especially difficult for lower graded employees.

Mr. Chairman and Members of this Subcommittee, I appreciate the opportunity to share our views with you on this important issue.

Mr. MCCLOSKEY. Mr. Harnage, good to see you today.

Mr. HARNAGE. Mr. Chairman, and members of the subcommittee, my name is Bobby L. Harnage. I am the national secretary-treasurer of the American Federation of Government Employees, AFL-CIO. On behalf of over 700,000 public employees which AFGE represents, we are pleased to appear before you today to present our views on Federal agencies' use of temporary employees.

AFGE is concerned about the number of temporary employees in the Federal work force. The OPM report indicates that the number of temporary employees has increased only slightly during the last 10 years.

We suspect that agencies are using temporary employees because they can hire and fire them without meeting the due process requirements accorded to permanent, career employees. Temporary employees do not have adverse action appeal rights, are not entitled to military leave, have limited rights to participate in the Fed-

¹ The OPM report notes that a period shorter than 180 days, to offer health insurance, would be problematic. NTEU recognizes these administrative concerns and is willing to consider such proposals within these limitations.

eral Employees Health Benefits Program (FEHBP), and are ineligible to participate in the Federal life insurance and retirement programs.

In order to focus on this issue, it is useful to examine the components of the Federal work force. If one were to ask how many Federal employees there are, the answer most often given would be 2.2 million. But, if one were to phrase the question slightly differently and ask how many people work directly for the Federal Government, the answer would be at least 2.5 million and probably closer to 3 million or more. Why the difference?

The Federal, nonpostal work force is comprised of both full-time and part-time, permanent employees. It also consists of temporary and contract employees. Approximately 2.2 million employees have permanent appointments. Those employees are considered career employees and as such, are accorded the full range of Federal employees' rights and benefits. Another almost 200,000 are temporary employees serving either under term appointments for periods of more than 1 year but for not more than 4 years, or under temporary limited appointments for a definite period of 1 year or less. The remaining employees whose number cannot be ascertained with any degree of certainty, are contract employees.

The use of temporary employees is expedient. As the OPM report shows, the majority of the temporary work force has at least 3 years of Federal service. That fact is a clear indication that so-called temporary jobs are not expected to be of short duration.

In 1987, Congressman Gary Ackerman in addressing the Public Administration Forum noted that the extension of the temporary permanent appointment for periods up to 4 years could undermine the entire civil service. Four years just happened to coincide with Presidential terms.

In addition to the problem of potential politicization, the issue of relative fair treatment, and the maintenance of employment standards is raised by the use of temporary employees.

Temporary employees, regardless of how long they serve the Government, are not paid the same compensation that permanent employees do in similar work. In some unique circumstances this policy makes sense such as for jobs for extremely limited duration or where no permanent employee is capable or available to do the work.

But these cases are extremely rare. There is simply no probable justification to deny long-term temporary employees a compensation package equivalent in value to that of permanent Federal employees.

As mentioned above, temporary employees when eligible to participate at all must pay the entire premium for coverage under the Federal Employee Health Benefits Program.

They are excluded entirely from the employees' group life insurance and the Federal employment retirement system. Temporary employees also do not incur benefits from seniority such as step increases or retention rights.

The value of the Government's contribution to these employment benefits for temporary Federal employees is over \$10,000 or one-third of total salary not including the value of seniority benefits.

Obviously, the fact that temporaries do not receive these benefits and therefore are cheaper to the agency is a decided incentive for agencies to abuse the temporary hiring authority. AFGE acknowledges that utilization of temporary employees can be advantageous for employees as well as the Government.

For example, the Department of Agriculture frequently hires temporary employees for crop reporting. Obviously, this is a function which only needs to be performed during certain short time periods. It is clearly a summer job, ideal for students who would not be interested in year-round employment. Seasonal operations of snowplows is another operation of a job properly classified as temporary.

Unfortunately, however, the mutual advantage is often nonexistent. Increasingly, individuals are appointed for limited terms to perform ongoing full-time jobs. Some temporary employees are even hired for the performance of core or key functions.

Two of our AFGE members have traveled to Washington today to tell you about the Department of Veterans Affairs continual abuse of the temporary hiring authority at the Brecksville, OH, facility. The temporary firefighters at the VA Brecksville, OH, facility all want to become career employees but the VA will not appoint them to permanent positions. The conclusion is unavoidable that the VA is abusing its temporary appointing authority simply because it wants to spend less for its fire protection services.

The OPM report sets forth certainly alternatives for consideration. At the outset, we take issue with OPM's statement on pages 3 and 22 of the report where it indicates it would be premature to take actions at this time. The OPM report suggests that the plight of long-term temporary employees should be left to some future attention by the very branch of government which is the culprit in the first place.

OPM would have us believe that its exploration of policy initiatives in the administration help the reform proposal and might solve the problem. This is tantamount to saying that inequities faced by temporary employees are not worthy of immediate attention by Congress.

This is nonsense and in and of itself reason for swift congressional action.

The OPM report identifies several specific alternatives with respect to temporary employees. First is to limit temporary appointments to 2 years and to encourage the use of term appointments for longer lasting nonpermanent work. We contend that mere encouragement is not sufficient to curtail the abuse of temporary appointments by agencies. The hiring of temporary employees should be authorized only when the agency can show that either the work will increase after 1 or possibly 2 years or its attempt to recruit permanent employees have failed.

We endorse OPM's suggestion that temporary employees should be provided with employment opportunities and the right to move to career positions. AFGE has consistently maintained that all employees must be afforded the opportunity to have access to health care. For temporary employees, the eligibility for participation in the Federal Employee Health Benefits Program should be shortened and we contend once eligible, they should participate on the

same basis as all other employees. Not only is this equitable but it will go a long way toward halting the abuse of temporary appointments.

The same is true of granting temporary employees the right to participate in both the Federal life insurance program and the Federal retirement system. We note that OPM does not mention any alternative concerning salary step increases or adverse action rights. Temporary employees who serve for more than 1 year are not eligible for step increases for no apparent reason. This is an incredible and intolerable practice that must be stopped immediately.

Finally, we see no reason why an employee who occupies a position for more than 1 or 2 years should not have the same adverse action protection and the right to use a negotiated grievance procedure as do all other employees.

Such an employee has completed a more than reasonable probationary period. Granting these rights would not cost the Government anything and it would help to ensure that employees are not exploited.

Mr. Chairman, we endorse the legislation you introduced in the last Congress and we hope that an even broader measure will move forward in this Congress.

Thank you for this opportunity to present our views. This concludes my statement. I would be happy to answer any questions you might have.

[The prepared statement of Mr. Harnage follows:]

**PREPARED STATEMENT OF BOBBY HARNAGE, NATIONAL SECRETARY-TREASURER,
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES**

Mr. Chairman and Subcommittee Members: My name is Bobby Harnage and I am the National Secretary-Treasurer of the American Federation of Government Employees, AFL-CIO. On behalf of the over 700,000 public employees which AFGE represents, we are pleased to appear before you today and present our views on federal agencies' use of temporary employees and on OPM's April, 1993, report to Congress entitled "The Rights and Benefits of Temporary Employees in the Federal Government."

AFGE is concerned about the number of temporary employees in the federal workforce. The OPM report indicates that the number of temporary employees has increased only slightly during the last ten years. But we contend that the use of temporary employees by most agencies is not bona fide. We do not believe that the number of tasks of short duration has increased, nor do we believe there is a shortage of applicants for permanent positions. It is, therefore, clear to us that agencies are using temporary employees simply because it is a way to save money. This contention is further supported by a careful analysis of the OPM Report.

We also suspect that agencies are using temporary employees because they can hire and fire them without meeting the due process requirements accorded to permanent, career employees. Temporary employees do not have adverse action appeal rights, are not entitled to military leave, have limited rights to participate in the Federal Employees Health Benefits Program (FEHBP), and are ineligible to participate in the federal life insurance and retirement programs.

In order to focus on this issue, it is useful to examine the components of the federal workforce. If one were to ask how many federal employees there are, the answer most often given would be 2.2 million. but, if one were to phrase the question slightly differently and ask how many people work directly for the federal government, the answer would be at least 2.5 million and probably closer to 3 million or more. Why the difference?

The federal, nonpostal workforce is comprised of both full-time and part-time, permanent employees. It also consists of temporary and contract employees. Approximately 2.2 million employees have permanent appointments. Those employees are considered career employees, and as such, are accorded the full range of federal employees' rights and benefits. Another almost 200,000 are temporary employees serving either under term appointments for periods of more than one year but for not

more than 4 years, or under temporary limited appointments for a definite period of one year or less. The remaining employees whose number cannot be ascertained with any degree of certainty, are contract employees.

The use of temporary employees is expedient and, in AFGE's view, agencies are abusing this hiring authority. As the OPM Report shows, the majority of the temporary workforce has at least three years of Federal service. That fact, in and of itself, is a clear indication that the so-called temporary jobs are not expected to be of short duration. That is, unless a third of a decade, at a minimum, can be construed as a short duration. Of course, by any reasonable interpretation, it is not.

In 1987, Congressman Gary Ackerman (D-NY) addressed the Public Administration Forum. His remarks, entitled "Civil Servants Under Fire," identified an array of problems and challenges facing federal civil servants:

"We see the Reagan Administration expanding the use of *temporary* employees. OPM's new rules permit longer appointments (up to 4 years, which just happens to coincide with a *presidential term*) and at higher levels than before. The Post Office and Civil Service Committee has commissioned the General Accounting Office (GAO) to monitor this and the evidence so far is that the number of temporaries is increasing rapidly. GAO also reports that such appointments now reach into high levels of professional, administrative, and technical positions. Taken to an extreme, these temporary appointments, could undermine the entire concept of a non-partisan, *career civil service*." (Emphasis in original).

In addition to the problem of the potential for politicization of the federal civil service that this practice opens up, is the issue of relative treatment and the maintenance of employment standards. Temporary employees, regardless of the length of their tenure, are not accorded the same compensation provided to permanent employees doing similar work. In some unique circumstances, this policy makes sense: jobs of extremely limited duration, where no permanent employee is capable or available to do the work, and where the employee has full understanding and acceptance of these facts. But these cases are extremely rare, and do not even comprise the majority of cases of temporary federal employment today.

There is simply no reasonable justification to deny long-term "temporary" employees a compensation package equivalent in value to that of permanent federal employees. As mentioned above, temporary employees, when they are eligible to participate at all, must pay the entire premium for coverage under FEHBP. They are excluded entirely from the Federal Employees' Group Life Insurance (FEGLI), and the Federal Employees Retirement System (FERS). Temporary employees also do not accrue benefits from seniority.

The value of the government's contributions to these employment benefits for a typical permanent federal employee is over \$10,000, or one-third of total salary, not including the value of seniority benefits. This is a substantial differential. Such numbers make clear the government's incentive to have as many employees on temporary status as possible. But there are far too many instances where a policy of maximizing the use of temporary employees is indefensible on grounds of fairness.

AFGE acknowledges that utilization of temporary employees can be advantageous for employees as well as the government. For example, the Department of Agriculture frequently hires temporary employees for crop reporting. Obviously, this is a function which only needs to be performed during certain, discreet time periods. It is clearly a "summer job," ideal for students who would not be interested in year-round employment. Seasonal operation of snowplows is another good example of a job which is properly classified solely as temporary.

Unfortunately, however, the mutual advantage is often nonexistent. There are far too many cases of agencies abusing the use of their temporary hiring authority. Increasingly, individuals are appointed for limited terms to perform ongoing, full-time jobs. Some temporary appointments are even for the performance of core or key functions.

I want to highlight this misuse of temporary employees by bringing to your attention one situation in AFGE's Sixth District. The DVA Medical Center in Brecksville, Ohio, has grossly abused the use of temporary employees in its fire department. The problem began in 1986 when that VAMC decided to explore the feasibility of contracting for its fire prevention and protection services. It conducted an A-76 study which showed that it was not cost effective to contract. But perhaps what is more important is the fact that the City of Brecksville, was and still is not willing and able to provide fire protection to the VAMC and it would not, in any event, provide fire prevention services which the VAMC now enjoys.

The VA had hoped to save some money by contracting, and so, after the results of the A-76 study were known, it looked for another way to save money. It decided to go to two- and three-person crews per shift. Equipment could not be operated safely with such skeletal crews and consequently, employees, patients, facilities and

equipment were all at risk. This staffing violates OSHA Standards and has led to investigations and pressure to provide at least enough staff to meet the standards set by the National Fire Prevention Association. The Brecksville VAMC then found another way to spend less money for fire prevention and protection services: It decided to hire temporary fire fighters for four-year appointments. At the end of the four-year period, the temporary fire fighter would be fired and a new fire fighter would be hired for another four-year period. At the present time, the Brecksville VAMC fire department is staffed by five permanent fire fighters and ten temporary fire fighters.

Now the VA is faced with another problem. It cannot find replacements for the temporaries whose four-year appointments are expiring. So, it is extending their four-year terms for one month at a time on an emergency basis.

Fire prevention and protection is not a temporary job. It is not a job of limited or short duration. It is an ongoing, key function which must be performed at all times, for as long as the Brecksville VAMC is in existence. There is no valid reason to staff a fire department with temporary employees other than a situation where there are no applicants for career, permanent positions. Our Union knows first hand that this is not the case at the Brecksville VAMC fire department. The temporary fire fighters all want to become career employees but the VA will not appoint them to permanent positions. The conclusion is unavoidable that the VA is abusing its temporary appointing authority simply because it wants to spend less for its fire protection services. The temporary fire fighters are performing the same duties as the permanent fire fighters and they are serving for periods of at least four years. Under such circumstances, it is patently unfair to deny them the same rights and benefits accorded to permanent employees, and as clear a violation of the principle of equal pay for equal work as exists anywhere. And, this practice has been going on for over nine years—hardly a situation of short duration.

AFGE believes that there are some situations where the use of temporary appointments is appropriate. But because of evidence of widespread abuse of temporary hiring authority, we believe that improved standards should be set forth which define the types of jobs which may be classified as temporary. In addition, we believe that it is fair that a distinction be made between jobs which are by definition strictly of a short duration (such as seasonal work), and those which are more open-ended, ongoing jobs likely to last for more than a year. Such standards would constitute an important protection of the compensation and rights of both temporary and permanent employees, and would be consistent with the spirit of the merit principles. The OPM Report sets forth several alternatives for consideration and we would like to comment on these:

At the outset, we take issue with OPM's statements on Pages 3 and 22 of the Report. OPM indicates it would be premature to take action at this time; first, because it will be exploring policy initiatives which could bear on temporary employment policies and, second, because this Administration will be developing overall health care reform proposals. This is tantamount to saying, in our opinion, that the inequities faced by temporary employees are not worthy of immediate attention by Congress. Rather, the OPM Report suggests that the plight of long-term, temporary employees should be left to some future attention by the very branch of Government which is the culprit in the first place. This is nonsensical and in and of itself reason for swift congressional action.

The OPM Report identifies several specific alternatives with respect to temporary employees. The first is to limit temporary appointments to two years and to encourage the use of term appointments for long-lasting nonpermanent work. We contend that mere encouragement is not sufficient to curtail the abuse of temporary appointments by agencies. The hiring of temporary employees should be authorized only when the agency can show either that the work will cease after one or possibly two years or that its attempts to recruit permanent employees have failed. We endorse OPM's suggestion that temporary employees should be provided with employment opportunities and the right to move to career positions and would welcome the opportunity to work with the Committee in developing statutory rights to achieve this.

AFGE has consistently maintained that all employees must be afforded the opportunity to have access to health care. Not only do we agree with OPM that the eligibility period for participation in the FEHBP should be shortened but we also contend that after meeting the eligibility period, temporary employees should participate on the same basis as all other employees. Not only is this equitable but it would go a long way toward curbing the abusive use of temporary appointments. The same is also true of granting temporary employees the right to participate in both the federal life insurance program and the federal retirement system.

We note that OPM does not mention any alternatives concerning salary step-increases or adverse action rights. While temporary employees can receive pay in-

creases and can benefit from special pay rates, temporary employees who serve for more than one year are not eligible for step increases, for no apparent reason. It is an inequitable and intolerable practice and must be curbed.

Finally, we see no reason why an employee who occupies a position for longer than one or two years should not have the same adverse action protections and the right to use a negotiated grievance procedure as do all other employees. Such an employee has completed a reasonable "probation" period. He is an asset to the government and needed badly or his appointment would not be continued. Why, then, shouldn't he be accorded the same due process as other employees? And, finally, granting these rights would not cost the Government anything.

Mr. Chairman, we were quite pleased to learn of your interest in this issue during the last Congress and we endorsed the legislation you introduced. It is our hope that an even broader measure will move forward in this Congress which will insure that temporary employees are not exploited but are treated fairly and equitably as are other career employees in the Civil Service.

Thank you for this opportunity to present our views and we look forward to working with you and your staff as you continue to explore this issue and look for viable solutions. This concludes my statement. I would be happy to answer any questions you may have.

Mr. McCLOSKEY. Thank you, gentlemen.

Frankly, I am feeling very hopeful today. I think legislatively and administratively it is going to be the case that this is the year of radical reform and improvement as to the status of Federal employees.

I might say very much I am helped by Mr. King's attitude and I think we can work with him. There are a couple of aspects that have been brought up by this panel that are the subjects of written questions particularly that I would be referring to Mr. McHugh and OPM shortly, but one of those that I have written was brought up by Mr. Tobias as to the status of all the FDIC employees.

Bob, can you elaborate on that a little bit, briefly? I think we do get the image of temporary employees in many cases as the fungible support groups, temporary and lower skilled and all that, but I know from previous experience many of these people are in quite significant administrative and technical positions, also. I wonder if you could comment on that?

Mr. TOBIAS. These folks are temporary employees under the accepted service appointment authority. They don't even have the limited regulatory protections that exist but are often ignored. If you are an excepted service temporary appointment, you have nothing.

These folks are in the FDIC, they are called LG employees and they are assigned a task and have been assigned the task for years and years and years in FDIC of liquidating the assets of banks that are seized and closed. So they are dealing with multimillion-dollar properties, solving—working as lawyers and accountants and as people who are analyzing who owes what to whom to figure out what price ought to be placed on these properties and at what time the market might be able to absorb these properties at the highest possible cost.

So these are very technical, highly skilled, valuable workers, all of which are temporary. All of—

Mr. McCLOSKEY. What percentage of the FDIC work force are the temporaries?

Mr. TOBIAS. I believe it is about 70 percent. I believe it is about 70 percent; don't hold me to that but—

Mr. MCCLOSKEY. That is amazing in itself. Can you educate me a little bit? How did that occur? Obviously, we are not looking at a temporary function here.

Mr. TOBIAS. The FDIC has just used these people over time, over the years they have been unrepresented by a union. In the last 2 years after what was a 5-year effort to organize this work force resisted by the FDIC, they were the JP Stevens of the Federal sector, without question, and the only agency that was sued to enforce an order to bargain with the union.

It is only in the last 2 years that we have been able to bring this matter to the attention of Congress and beyond, because the work force was so frightened that they would not be renewed that they didn't bring it up themselves.

So now that they have a collective voice, they are able to bring this forward. As I say, there are many employees that have been working as temporary employees for 15 years which I believe is an outrageous, abysmal situation.

Mr. MCCLOSKEY. If I might comment on that, as I mentioned in my previous comments, I am so concerned about these people who have 14, 15, 18, I think the longest one we heard was 21 years of service in my own district. I am hopeful out of all this, legislatively and administratively we would be able to say at least to these people at some critical point, if you have 10 years or more of temporary service given you have, in essence, been exploited to that degree, that you would have a right to a buy-in as to the Federal pension regardless of whether you are a current or former employee.

Could I ask for reactions of all three of you to that? Would that be a major step? It would, frankly, subjectively make me feel good, quite frankly.

Mr. TOBIAS. We agree that people ought to have a buy-in. Our suggestion is they be able to buy in at 3 percent as military folks do after a period of 2 years, not 10 years.

Mr. MCCLOSKEY. Right.

Mr. TOBIAS. And that they also be converted to a permanent position to the extent that they are provided some discharge protections and that they have available health insurance.

That is the real—that is really the critical issue.

Mr. MCCLOSKEY. Yes, I understand.

But how about the most egregious case, 9, 10 years? Do you favor a buy-in for those people given the fact, life and death, now is the immediate thing for them?

Mr. TOBIAS. We certainly favor a buy-in procedure.

Mr. KEENER. We certainly agree with that. I have 25 letters here, again many of these, 18- to 20-year veterans, yes, we would like to have them be able to buy in, and we agree with Brother Tobias that the shortest possible period of time would be preferable to us.

Mr. MCCLOSKEY. Mr. Harnage.

Mr. HARNAGE. Yes, Mr. Chairman, we would certainly hope there would be a buy-in offered.

One of our concerns is as I sat here and listened to Mr. King's presentation this morning, and I am very impressed by him and look forward to his first year in that position to see if his attitude

continues; but what we are talking about is something that has been going on for 10, 20 years and all we are going to say is, oh, OK, we are going to see it doesn't happen again, but all of those that have been harmed, we are sorry, but we are not going to do anything. That would be telling the agencies for the next 10 years we got new rules and laws, you can violate them, too, there is no penalty.

I would certainly hope we would make those employees whole that have been wronged, and we send a strong message to the Federal agencies that we would not tolerate this abuse again.

Mr. MCCLOSKEY. How about Mrs. Mink's statement? She suggested a year from the first day the temporary employee could provide all the costs of coverage, but going in the second year they would have the legal status with other Federal employees. Does that sound like a reasonable compromise to you or is that 1 year a matter of real jeopardy that we ought to look at a little more skeptically?

Mr. TOBIAS. I would urge you look at it more skeptically, Mr. Chairman. I think that a year is not what occurs in the private sector. I think I would certainly urge that the existing administrative regulations be at least looked at. There is a category of seasonal employees, those eligible for health insurance when a supervisor certifies that that person is reasonably expected to work for 6 months, and when that occurs, that employee is eligible for insurance from day one.

So the Government has at least administratively in some kind of seasonal positions—

Mr. MCCLOSKEY. Administratively, they can do it now, in other words.

Mr. TOBIAS. And I urge we do no less administratively.

Mr. MCCLOSKEY. Has AFGE given much thought to the differing status of these substantially identical Federal firefighter units, Mr. Harnage? This is where 95 percent are permanent but some few units are temporaries? In essence, they do identical work. How much is that equity raising itself through the system as to the temporary situation?

Mr. HARNAGE. It is certainly an inequitable situation. This is in the VA, but it is common in the Department of Defense where you have imposed manpower ceilings or mission changes and they have a reduction in force and bring people right back in a temporary status doing the job of the previous employees and all they have done is eliminated the benefits package. That goes on for years.

I suspect where a lot of these employees that you see today that have 10, 15, and 18 years of service, it came about that way. If you think back in time, that is about the time that the Government first imposed manpower ceilings, was about 18 years ago, and a lot of this temporary employment came about that way.

As far as the health benefit package, I would certainly support the position of the first year. It is not going to cost anything and it is certainly not going to hurt the health benefit program. We are not talking about unhealthy employees. We are talking about people that are screened healthwise the same way as permanent employees but not given the benefit package. The more healthy people

you add to the program, you are helping the program, not hurting it. You are lowering the costs, not increasing the costs.

Mr. MCCLOSKEY. Well, I might say I think all three of you have testified very well today, very comprehensively, and I appreciate your contribution. I think you know from my previous statements I share your concern.

Mr. McHugh is here and is for some adverse action rights. For any system, people have to have a place to go when unfairly treated. That is not to say they have every right across-the-board of a permanent employee, but this plantation mentality, if you will, has to cease.

The first day I ran across this more than 7 years ago, I said this is the plantation mentality and here is the Federal Government trying to set themselves up in relation to the private sector mandating model employment standards. So if there is a year this can change, gentlemen, I think this is it.

So I really appreciate it.

Unless any of you have a point to add that has not been covered or any parting note, I just thank you very much.

Mr. TOBIAS. Thank you, Mr. Chairman.

Mr. MCCLOSKEY. I might say we are pleased to accept a statement from Mr. Kanjorski for the record.

[The prepared statement of Hon. Paul E. Kanjorski follows:]

PREPARED STATEMENT OF HON. PAUL E. KANJORSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, I thank and commend you for holding this hearing today on the issue of temporary employees in the federal government.

Last Congress, as Chairman of the Subcommittee on Human Resources, I held a number of hearings about the plight of temporary employees. We heard testimony from people from all over the country who had worked for various federal agencies as a "temporary" for up to 25 years.

These employees are required to pay the full cost of their health insurance, if they can get it at all. They often are not eligible to participate in FERS, or even to get credit for government service during years working as a temporary. Long-time federal employees like Roger Archibald, who I had the opportunity to hear testify at a field hearing last year and who will testify before us today, have little or no job security and can lose their jobs for the vaguest of reasons. Temporary employees are often not able to compete for either temporary or permanent employment in a position they are already competently filling.

This Congress I introduced legislation which would help correct one aspect of the treatment of federal employees. My bill, H.R. 606, would enable competent temporary employees on the job for at least two years to obtain competitive status for purposes of transfer or reassignment. It simply does not make sense to spend the time and money training people for jobs when there are temporary employees ready, able, and willing to fill the position.

It is my understanding that you are developing comprehensive legislation which addresses this issue and many of the other obstacles temporary employees face, Mr. Chairman. I commend you for your efforts in this area and look forward to working with you toward this end.

Mr. MCCLOSKEY. Also, we will be including in the record statements from various interested parties.

[The information referred to follows:]

FOR
THE
RECORD

Committee Member
Wendy Lowengurb

In the spring of 1980 when I first began work with the U.S. Forest Service, Avery Ranger District, I was working with the road maintenance department as a rock rake operator. About mid season I was called in by road maintenance acting supervisor, Linda Vorie. She inquired if I would like to operate the road grader if she could get Ranger Dennis Hart to approve the action. A few days later the ranger gave his approval. However, from that day on I was not even allowed to ride on the grader, let alone learn to operate it. The grader operator, Art Schamel, stated that they were trying to retire him and he would be darned if he would teach me to do his job because of their actions.

Later that season I was advised a permanent appointment position in maintenance was being offered and that I should apply. I never saw the announcement, however, I was advised that when the personnel at the S.O. rewrote the announcement they made the appointment available for Vietnam Veterans only. The job was never filled.

Approximately a year later, 1981, I was advised by the then road maintenance supervisor, Howard Okamoto, that there wasn't enough money in the budget to work me more than 2 or 3 days per week. However, Terry Stranahan the Fire Management Officer had a job for me if I was interested. The remainder of 1981 I worked for both roads and grounds maintenance. I was again approached to apply for a permanent appointment position covering the job description I was presently doing. When considerable time had elapsed and I had not seen a job announcement I asked Terry Stranahan about it and was advised that he and Howard Okamoto could not agree on how long I would work for each of them. Therefore, the announcement was never written.

I believe that the same year, beginning of the new fiscal year in Oct. 1987 and just prior to my being laid off due to lack of work, Terry Stranahan was put in charge of all except road maintenance. He advised me that I would be working strictly for him and he asked if that before calling me back to work the next season would I take a wage reduction - from a Wage Grade 4 down to a Wage Grade 2. He stated he wouldn't have enough money in the budget to work me very long if I didn't. I accepted his request and he promised to get my Wage Grade position back as soon as possible. Still to this date Terry Stranahan denies having asked me to take a wage reduction.

Every year since, I have worked for Fire Management Officer Terry Stranahan and insistence have had to solicit charge codes from other department functions to pay my wages, even when only doing minor non-time consuming jobs for the other functions.

I worked with Larry Nelson who held a Wage Grade 5 permanent appointment and upon his resignation, I believe in 1983, I was required to perform the additional maintenance on approximately 80 buildings, as well as vehicle fleet and grounds maintenance. Eventually I was given a mentally deficient helper, Glenn Wright, to do grounds maintenance and I was directed by Terry Stranahan to supervise him. I was to teach him and keep him out of Stranahan's hair, as Glenn is a little slow to learn. Glenn was later given an appointment on a minority status. Approximately the same time I was given Glenn to supervise, I was required by Terry Stranahan to obtain a Chauffer's license to enable me to operate the large district fire engines as this was to now be part of my responsibilities. Ever since the hiring of Glenn, I have been reprimanded by Stranahan because Glenn would go to him with problems either by my directions or on his own. Since Stranahan is his boss it was the correct chain of command. The latest incident I received a reprimand for occurred on May 10, 1993. whereupon, I advised Stranahan it was about time he did his job and supervised Glenn since I was only a temporary part time employee and Glenn had a permanent appointment.

When Avery Ranger District and Red Ives Ranger District consolidated Millard "Crockett" Dumas became our new District Ranger. I visited with him in his office and he asked as to my background. I advised him of my Law Enforcement background. This turned out to be a big mistake as he seemed to take offence at my once having considerable authority. At a later date I was asked my opinion on proposed road closures. The roads proposed had been open and maintained for years. I stated my views and the road closures went ahead. Yet, one of the closed roads was re-opened because it was where the ranger preferred to hunt. I was referred to and advised many times by both Dumas and Stranahan that I wasn't "part of the family" because I didn't go along blindly with everything they did or said. I readily admit disagreeing with several requests and decisions they made. I was advised more than once by Stranahan that the decisions were his and it was none of my business - If I didn't like it I could quit.

Marion Ryan was transferred from Temporary Laborer at Red Ives to Avery to work with me, at which time Stranahan asked me to instruct Marion on the operation of the fire engines. Marion Ryan and Stranahan became very close friends and anything Ryan wanted, Ryan got. Ryan was sent to all fire training inservicc schools, welding schools, and even inservice training sessions he had already attended and lied about it. Ryan was allowed to do this even tho we had a considerable back-log of work to be done. I approached Stranahan regarding one such incident and he just laughed about it. I told him this was no laughing matter as there was a lot of work that required doing urgently at Stranahans insistence.

My work schedule was Monday thru Thursday and Ryans was Tuesday thru Friday. Ryan had a bad habit of comming to work on Tuesday mornings anywhere from 15 to 1 hour and 15 minutes late. One morning Stranahan and I were standing in the shop, he was inquiring the whereabouts of Ryan, at which time I advised him that this was Tuesday and hard telling when Ryan would show up to work. At that time Marion Ryan was an hour late. Upon Ryans arrival at work, Stranahan asked where he had been and stated that he was an hour late. Marion came back with " what difference does it make - I don't do any work for the first hour anyway." This was a big laughing matter and joke to Stranahan.

Marion Ryan very seldom completed a job he started, and more than I care to mention I was required to finish or do them over. But Ryan was a buddy and "part of the family" so he could do no wrong. On one occassion I was called into Stranahans office in the presence of John myree and asked when I was going to take my lay-off as I was working on Marion Ryans' money. Stranahan had discussed working conditions with Ryan and put him in charge of quarters and work center maintenance. They had put Paul Anderson in charge of fleet maintenance, and myself now in charge of facility grounds maintenance and purchasing and requesitions, as I had been requested to obtain a B.I.A. authority. This enabled him (Stranahan) to call me at home on my days off requesting that I make purchases before returning to work. Anyhow, the discussion was about work season. It was decided that each of us would work equal time - 9 months on and 3 months off - with Ryan and I overlapping work schedules during major or busy months, April thru September. One of us was to cover Paul Andersons work during his time off. I was never called back to work on my due date because Marion Ryan had not yet decided to take his agreed to lay-off. Or I would get a last minute call from Stranahan complaining about budget cuts and his not knowing when he could call me back to work. Twice,as I recall, S.O. had already notified me in writing of my work report date, and Stranahan was upset about this.

I really realized that I was in trouble about getting a permanent appointment when one day while Marion Ryan and I working we were approached by Ranger Millard Dumas. Dumas ignored me - not even acknowledging my presence- and ask Ryan if he had heard anything about his appointment announcement that Stranahan was supposed to have written up. When Ryan answered Dumas in the negative, Dumas stated "I guess Stranahan screwed this up just like everything else he has done."

It was a considerable time later when the Maintenance Appointment Announcement came out and was only open for something like 3 days and applications had to be at the S.O. no later than the end of the working day on Thursday after lunch hour. At about 1:400 hours on the closing day of the announcement, Stranahan approached Marion Ryan and I and inquired if we had applied. I advised him that I had and Marion Ryan advised him that he wasn't interested. Stranahan told Ryan he wanted to see him in his office right away. Upon Ryans return, he told several people about how he got his ass chewed by both Dumas and Stranahan for not applying for the appointment and that he had it better now then if he got the job. He also stated that he didn't plan on working for the forest service much longer. Clear up until November of that year Ryan denied having applied for the appointment.

During the next work season or year, the selection was made to fill the permanent maintenance position and Marion Ryan was selected to everyones amazement. I was called into Ranger Dumas's office by Stranahan, however Dumas was not present; and I was told that I came in second and that I would never get an appointment as long as Dumas was ranger because I "did not belong to the family."

This matter was discussed with N.F.F.E. union representative Linda Buck and President Bill Boxtruck. An investigation was suppose to have been instigated, and I was advised an application for the job was on file with Marion Ryans signature on it - matter closed. I was also advised that some of my co-workers contacted the S.O. and let their feelings be known. I was also advised that Ranger Dumas had made it known that he was going to see that three employees were going to get permanent appointments before he left Avery Ranger District.

Paul Anderson and I were at the S.O. in Couer d'alene and we asked to see our job description for Wage Grade Maintenance position. We were denied because they stated it did not apply to us even tho we were employed as Maintenance personnel and had been for several years. I believe at this same time I requested to see my personnel file, as I had been advised that Stranahan kept a sepearate personnel on me. I don't recall ever seeing my personnel file and Stranahan denied keeping a separate file on me.

The end of 1989, around November, we got a new ranger, Kent Dunston. It wasn't until the beginning of the 1990 season that I had contact with Ranger Dunston. One morning Cindy Thompson, at that time, purchasing agent for Avery Ranger district, advised me she had an appointment to see Ranger Dunston and wanted me present. Her complaint was on maintenance and why maintenance was not being done in a timely manner, not only on her residence but all maintenance. She strongly opposed the fact that Terry Stranahan being put in charge of maintenance. Ranger Dunston advised us he had had several complaints on how maintenance was being handled and that he was considering taking the responsibility away from Stranahan and giving it to Marion Ryan and me. He then asked me if I could give him some answers to Cindy's accusations. I advised him it was very difficult for one man to do a two man job. Marion Ryan was at a Dwelling Fire Training School, sent by Terry Stranahan for Marion Ryan's personal benefit as he had purchased his own fire fighting equipment and was taking leave of absence from Forest Service. However, he was going around telling co-workers how Stranahan and the Ranger had got him listed on the register at the District Fire Office in Coeur d'Alene, and how he was going to use his fire fighting equipment during fire season and then coming back to work during the off season and working in maintenance.

I told Ranger Dunston that I might just as well clear the air and tell him the rest of the problems that I had had to contend with, most of which has been mentioned in this report. However, I also told him about Stranahan's and Ryan's going to Red Ives frequently and taking alcoholic beverages, some of which did not belong to them. Marion, Paul and I share the same quarters and had brought alcoholic beverages for our consumption after working hours. On this occasion Ryan and Stranahan took the alcoholic beverages and went to Red Ives Ranger Station. (Terry Stranahan always drove his private vehicle). Marion usually drove a forest service vehicle and that being the maintenance truck. Therefore, I would be left without a vehicle for the day and in most cases the right tools or equipment to perform maintenance duties around the Avery Ranger Station. This time in particular, Ryan stated in substance that Stranahan and he had hunted elk on the following work day at Red Ives. They parked Stranahan's pick-up and hunted the hillside above the St. Joe River for a considerable distance. It was miserable weather and ruined all the time. Marion Ryan and I shared the same cabinet locker and kept our time sheets in the same folder. So it was very easy for me to check and see how Ryan credited the day in question. I found that 10 hours work were claimed for the day he and Stranahan went hunting. They had also stayed in government quarters while at Red Ives.

Within the next day or two Marion Ryan was called back to Avery from the Dwelling Fire School along with Terry Stranahan. Ranger Dunston had a meeting with them along with John Myree Chuck Silva the Law Enforcement Agent for Avery and St. Maries Ranger Districts. I was not included in the meeting, however, I was advised an investigation was instigated and that Stranahan was no longer permitted to stay over night at Red Ives for the duration of Dunstons' rangership. Marion Ryan resigned shortly thereafter and his non-competitive rehire status revoked.

Upon Marion Ryans resignation, I finally got my wage grade 3 title back after 9 years of promises. However there was no mention of filling the permanent appointment in maintenance. The maintenance position was filled by Tim Vore - temporary employee. When Vore was told by Stranahan that the Permanent Maintenance Position was not going to be filled, Vore transferred out of Stranahan's department.

Terry Stranahan told me he was considering hiring a person to help me, this man being a strong union man out on strike. When I heard this I immediately went to Ranger Dunston and inquired if he knew about Stranahan's hiring plan. I found that he was not aware of the person being a striking union member. Ranger Dunston agreed that the person would not stay with a forest service laborer job at low wages. As soon as the strike was settled he would return to his high salary union job. I asked Ranger Dunston why Larry Nelson had not been considered. The ranger was not aware of Nelson and his rehire status. Stranahan advised me within the next day or two that Larry Nelson was coming back to work.

For the next couple years I kept a low profile, as I know Stranahan knew why he was unable to stay at Red Ives. However, one day Cindy Thompson came to work and advised that she had to talk to me. She asked if I remember putting my arm around her shoulders while walking in the parking lot in front of Stranahan's office window? I told her that I didn't, however I wouldn't deny doing it, and that we had an understanding that if ever I did anything to offend her or any other person, all they had to do was to let me know and it would never happen again. It was nothing for her to walk up and slip her arm around my waist while walking and discussing work. She then advised me that Stranahan had cornered her and ask her to sign a sexual harassment complaint against me, and if she didn't that he would. She further advised that she refused signing a complaint and would take care of the matter in her own way. Cindy went on to say that Stranahan was out to get me any way he could find.

A few days after the talk with Cindy Thompson, I was called into Stranahan's office and he demanded to know what I had done to Cindy because she had complained to him about my actions toward her. I told him that Cindy had a talk with me and as far as I was concerned the matter was settled. Stranahan would not settle for this and demanded to know what I had done. That Cindy's supervisor and the ranger were also involved, that if it ever occurred again not only with Cindy but any other woman, I would lose my job. It was not long after this that Cindy Frazer, pay roll clerk, wanted to know what was going on, as Terry Stranahan saw me put my arm around her while she was going out to get the mail. He approached her soliciting her to sign a sexual harassment complaint against me. Cindy advised Stranahan that she was not offended and if she was she would take care of it herself.

Some time after the above mentioned sexual harassment soliciting by Stranahan I had an opportunity to give Cindy Thompson a ride from St. Maries to Avery. I then asked her if she had went to her supervisor (Gloria Parks) about me and she stated that she had not. However her supervisor had asked her if she wished to sign a complaint. She further stated that Stranahan must have gone to supervisor as she definately had not, and was not aware of the rangers involvement. She again warned me that Stranahan was out to get me.

The Avery Ranger Office had moved to temporary quarters and one evening Ellen Anderson and I were talking about archery and my helping her son since he was new to the sport. She said that she was very interested for herself also but was afraid of hitting herself as she was heavily endowed. At this time Carol Stranahan came in the office. I advised Ellen that her being heavily endowed was no problem as I could show her how to stand to avoid hitting herself or get her a protective vest. We laughed about it and I left, leaving Ellen and Carol Stranahan together.

The next morning, Ellen asked me what was going on between me and the Stranahans. She further stated that Carol asked her if my talk had offended her and if it had that she (Carol) would go to Terry Stranahan and have the matter taken care of. Ellen told Carol that we (Bill & I) were friends and that she was also a friend of my wife. Our talk on archery and her endowment problem was brought up by her and that she had not been offended. Ellen further stated that she was in hot water with Carol because she told Carol if she wished to talk about Terry's drinking problem that her (Ellen's) ex-husband had been an alcoholic.

FPM LETTER 316-25

SUBJECT: AUTHORIZED USE OF TEMPORARY APPOINTMENTS UNDER 5 CFR 316.401.

OCTOBER 23, 1992

1. OPM'S Governmentwide compliance reviews continue to indicate problems with agency use of the temporary appointing authority, 5 CFR 316.401. Results of the most recent of these reviews indicate a substantial increase in the frequency of erroneous temporary appointments. This situation needs immediate attention.

2. There were significant errors in more than 20 percent of the temporary appointment cases reviewed in FY 91. These errors included unauthorized use of temporary appointments to fill permanent positions and to extend temporary appointments beyond 4 years without OPM approval. Compliance reviews also indicated that some agencies were improperly promoting temporary employees by noncompetitively converting them to new temporary appointments at higher grades.

3. The pattern evolving over the past several years is of great concern to us. It is time for all agencies, not just those in which compliance reviews were conducted, to make a concerted effort to assure that all appointing officers are using temporary appointments as authorized and that they are processing the appointments correctly. Agencies should:

a. Give a copy of this FPM Letter to all managers and supervisors who employ temporary workers and call particular attention to paragraphs 4 and 5;

b. Include coverage of temporary appointments in internal oversight activities; and

c. Where problems persist, issue a directive on this subject and follow it up with training for personnel staffs.

4. Temporary appointments are intended to meet legitimate nonpermanent staffing needs. This means temporary appointments are authorized only when the need for the employee is temporary. Therefore, agencies may not:

a. Hire temporary employees to avoid the costs of employee benefits or because ceiling limitations prevent the hiring of permanent employees.

b. Use temporary employment as an unofficial probationary period unless specifically authorized as in the case of severely disabled or mentally restored employees.

c. Circumvent the competitive examining process by appointing an individual on a temporary basis because he or she is not within reach for permanent appointment or because a particular register is closed.

At the end of work season 1992, Larry Nelson told me he only planned on comming back to work next year part time, if he came back at all. Because of problems with his son he felt he should be home more often to help his wife with the situation.

When I was called by Strana han on March 25, 1993 at my residence, regarding my comming back to work, my wife Mary Bowen was on the extention. Terry asked if I had thought it over about comming back to work part time, because Larry Nelson was only comming back part time. Terry further stated that if I had any problem with the part time offer that I shouldn't come back to work.

Elmer W. Bowen
HC 01 Box 215 E
St Maries, Idaho 83861
208-245 4788

9. Proper documentation is essential so that employees understand the conditions of temporary employment, specifically that the agency has no permanent need for the employee and that the employee may be terminated at any time upon notices from the agency. Proper documentation also protects agencies from subsequent claims. In a recent case, a Federal District Court judge issued a temporary restraining order prohibiting the separation of several temporary employees, in part because the agency had not obtained the required statement from the employees that they understood the conditions of temporary employment. (See FPM Chapter 316, section 2-12, and subchapter 10 of FPM Supplement 296-33 for information on documenting temporary appointments.) When an agency gives a new temporary appointment to an employee currently on the rolls, the reappointment SF 50 must be processed in a timely manner to avoid the automatic processing of a erroneous separation SF 50 and the report of that action to OPM's Central Personnel Data File (CPDF).

Douglas A. Brook
Acting Director

ID:

NFFE NATIONAL
 FOR CONGRESSMAN McCOSKEY
 MESSAGE DISPLAY FOR CHAIRMAN DUSH

To recfolks

From: Jaime Schmidt
 Postmark: Jun 01.93 12:10 PM
 Status: Previously read
 Subject: Forwarded: TEMPS

Delivered: Jun 01.93 12:10 PM

Comments:

From: Jaime Schmidt:R01FO4D02A
 Date: Jun 01.93 12:10 PM

Previous comments:

From: Don Kole:R01FO4D02A
 Date: Jun 01.93 7:34 AM

There is a request from a Congressman who is working on getting some benefits for Temporary Employees. Please make this message available to your temporary or ex-temporary employees so that they can decide if they want to provide information.

Previous comments:

From: Bob Robbins:R01FO4D04A
 Date: Jun 01.93 6:12 AM

Previous comments:

From: DEBRA R. PERRY:
 Date: May 28.93 4:00 PM
 Please read Phil's note regarding temps. What is wanted here are personal written testimonies from temporary employees. Temps can send them to Claire Renner-Hasset at NFFC National or to McCloskey's office. I would appreciate a copy of them if temps don't mind sending them on. 8280 Sunnyside Road, Springfield, VA 22151. By Horror stories, we mean describing things that have happened due to temp status, such as situations due to no health insurance, family situations, what happened if your job was contracted out or you were not brought back on, this kind of thing. Any story that helps a person relate to the true hardship in any area of a temp's life due to work status. As usual, we are talking short notice here folks! These need to be in by the end of next week. Hearing will be in Washington DC, and NFFC National will be representing us on the issue.

Message:

From: Philip H. Ruff:R01FO4D01A
 Date: May 27.93 2:35 PM
 HAD A CALL FROM CLAIRE. MC CLOSKEY'S OFFICE WANTING TESTIMONY ON TEMP ISSUE. HEARING SCHEDULED 2ND WEEK OF JUNE. PARTICULARLY WANTS HORROR STORIES (HARDSHIPS) BECAUSE OF LACK OF BENEFITS. PHIL

-----X-----

Mr. Patti ; or to whom it may concern:

On June 2nd, 1993 I received a copy of FIM letter 316-25. Subject: Authorized use of temporary appointments under 5 CFR 316.401. I presented this letter to our payroll clerk where upon she advised that she would talk to our Deputy District Ranger.

A few days later I again talked to the payroll clerk. She advised that she was directed by the Deputy District Ranger to compile my employment records for the past 13 years, to take or send it to S.O. in Couer d'Alene, Idaho to find out why actions had not been taken on this directive.

On June 15th, I was advised that directive 5 CFR 316.401 did not apply to me because of a special appointment I was on. Something about my being a Veteran on Wage grade status with a "Not To Exceed" appointment. I requested to see or have a copy of this memorandum. On June 18th, 1993 I was told that a D.G. memo date April 3, 1989 was the basis for the above. -- D.G. Message from Kathy Gordon, personnel Assist. S.O. Couer d'Alene. If you have four people with "Special Appointments" kind of N.T.E. appointment. This is a non-competitive General Laborer not within commuting distance of 35 miles of population area of 20,000. There is no limit to number of years on this appointment. Also, that 30 days per year must be taken off so that Government will not have to provide benefits.

Mr. Patti, I recall this situation very clearly, because four wage grade and several general services employees had been given N.T.E. appointments in 1988. The following season, 1989, we were advised that we could loose our jobs after four years if we were not given permanent appointments.

I have read F.P.M. Letter 316-25, regulation 5CFR 316.401 several times. The best I can determine is that after working for the U.S. Government for 13 going on 14 years, I am still a temporary employee unable to receive benefits.

Also for your information, My working partner received a permanent appointment in 1990 and was upgraded to a Wage Grade 3. Upon his resignation a few months later, I was requested to upgrade my S.F. 171 so it could be sent to S.O. and I would be upgraded to Wage Grade 3. However, there was no mention of filling the vacated permanent position appointment. It has not been filled to this date.

I sincerely hope this information will help resolve mine and other temporary employees employment problems, and help us receive our long over due benefits.

Thank You;

(Wm Bowen)
E. Wm Bowen

FMA

Federal Managers Association

STATEMENT
OF THE
FEDERAL MANAGERS ASSOCIATION

ON THE USE OF
TEMPORARY EMPLOYEES
BY THE
FEDERAL GOVERNMENT

FOR THE
SUBCOMMITTEE ON CIVIL SERVICE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE
U.S. HOUSE OF REPRESENTATIVES

JUNE 22, 1993



1000 16th Street NW Suite 701 Washington DC 20036
(202) 778-1500 FAX (202) 778-1507

Mr Chairman and Members of the Subcommittee:

The Federal Managers Association is pleased to provide the Subcommittee with our views concerning the Federal government's use of temporary employees. As you know, the Federal Managers Association is the oldest and largest professional association of managers and supervisors in the Federal government.

The use of temporary employees by the Federal government serves a vital and important mission. Federal agencies hire temporary employees in order to fill positions where the need for an employee is not intended to be permanent. For example, temporary employees are used during the closure of DoD bases, during DoD workload surges, and for summer or seasonal jobs.

In September of 1992 the Federal government employed 157,000 temporary employees, 7.2% of its total workforce. The Office of Personnel Management reports that this figure is representative of the average number of temporary employees hired by the Federal government over the last ten years.

Under current law, temporary employees are not entitled to receive the same benefits as full time employees. For example, temporary employee's are:

- * Only offered health insurance after completing one year of service. At that time temporary's are responsible for the full premium;
- * Ineligible to receive life insurance; and,
- * Excluded from participation in the Federal Employees Retirement System.

The restrictions on benefits received by temporary employees is understandable when applied to those temporary's who are employed for one year or less.

However, when the temporary employee works for more than one year, this lack of benefits, especially health insurance protection, is unfair.

FMA believes that while the goal of providing full benefits to temporary employees is laudable, it is also cost prohibitive in this era of declining agency budgets. FMA believes that the answer to this problem does not lie in simply providing temporary employees with full benefits. A more comprehensive approach that would offer temporary employees access to some benefits, while at the same time phasing out the government's reliance on temporary employees is needed.

FMA recommends that the Federal government change current policy and offer temporary employees the opportunity to enroll in the FEHBP program after six months of employment. At that time, the temporary employee would still be responsible for the full premium payment. According to General Accounting Office and Department of Labor statistics this would follow private-sector practice. This approach would provide temporary employees with access to quality health care and at the same time be no extra cost to the government.

FMA also recommends that OPM place a 1 year time limit on temporary appointments, with a 1 year extension. This limitation would prevent the long-term employment of an individual in a position where they receive little or no benefits.

FMA believes expanding the use of term appointments represents the best approach to solving the problems created by the extensive use of temporary employees. Term appointments are authorized for specified periods that exceed 1 year and that are no longer than 4 years. Term employees are eligible to receive most of the benefits that full time employees receive including:

- * Health and life insurance;
- * Retirement coverage; and,
- * Within grade pay increases.

By utilizing term appointments, the government would be able to fill long-term non-permanent positions and at the same time provide benefits to its employees.

FMA recommends that term employees who serve for 2 to 3 years should be allowed to qualify for permanent jobs through agency merit promotion programs. This change would have the dual benefit of providing nonpermanent employees greater access to permanent employment opportunities and would provide agencies with an additional source of trained workers.

While using term employees instead of temporary employees would require additional spending on the part of the government, OPM reports that the cost of using term employees as opposed to temporary employees would be partially offset by a reduced cost in recruitment and training of new employees.

FMA believes that this approach represents the most cost effective way of alleviating the problems associated with temporary employees. FMA also believes that this approach would provide the Federal government with a more experienced and effective civil service. By providing term employees with benefits and the possibility of permanent employment, the government has also provided term employees have a powerful incentive to strive for excellence in the workplace.

FMA thanks the Subcommittee for the opportunity to present its views on this issue.

**THE RIGHTS AND BENEFITS
OF TEMPORARY EMPLOYEES
IN THE FEDERAL GOVERNMENT**

**A Report to Congress
by the U.S. Office of Personnel Management
April 1993**

RIGHTS AND BENEFITS OF TEMPORARY FEDERAL EMPLOYEES**TABLE OF CONTENTS**

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Appendix A Nonpermanent Employment and Attendant Benefits (Chart)

Appendix B Selected Demographic and Job Characteristics of Personnel in the Temporary and Total Federal Civilian Workforce, by Agency, as of September 1992

Appendix C Cost Projections by Agency

Appendix D Sources of Information on Temporary Employment

Appendix E Members of OPM Task Force on Temporary Employment

RIGHTS AND BENEFITS OF TEMPORARY FEDERAL EMPLOYEES

L EXECUTIVE SUMMARY

Purpose and Content of Report

Section 1078 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102-484, October 23, 1992) requires the U.S. Office of Personnel Management to submit a report on the feasibility of providing to temporary employees the same health, life, retirement, and other rights and benefits generally available to permanent employees.

Prior to enacting this report requirement, Congress had heard troubling testimony that some temporary employees had actually worked continuously for the Federal Government for many years without rights and benefits. Questions emerged about the equity of the situation, and legislation was drafted in the House to increase the benefits eligibility of temporary workers and to require that they be converted to career appointments noncompetitively after completing specified amounts of temporary service.

This report provides data on the temporary workforce, identifies the rights and benefits eligibility of temporary and career employees, and discusses alternatives for benefit changes.

Temporary Employment in Federal Agencies

Temporary Federal employees serve under appointments limited to 1 year or less which can be extended for a period of up to 4 years. This is contrasted with permanent or career Federal employment in which employees serve without time limitation.

Federal agencies hire temporaries for jobs where the need for the employee is not expected to be permanent. Temporary employees work at military bases that will soon close, perform special projects, deal with workload surges, and serve as fill-ins for permanent workers. Temporary appointments are also used to fill summer positions and seasonal jobs in national parks and forests. Generally, agencies are not experiencing difficulty in recruiting or retaining temporary workers at the present time.

As of September 1992, the Federal Government employed 7.2 percent of its workforce on a temporary basis—157,000 temporary employees out of a total of 2.2 million nonpostal executive branch workers. This level is close to the average during the past 10 years, 1982 to 1992. However, during the course of any 1 year, the number of temporaries on board varies significantly from month to month because of seasonal fluctuations. Summer employment program hires bring the temporary workforce to its peak during June, July, and August each year.

Rights and Benefits of Temporary Federal Employees

Although they receive some Federal benefits, by law and regulation temporary employees are excluded from many of the rights and benefits provided to permanent civil service workers.

- By law, temporary employees get health insurance coverage only after a year of service and with no Federal contribution to premiums. There is no parallel provision for life insurance.
- They are covered by Social Security but are excluded from the Federal Employees Retirement System (FERS). Also, temporary service performed after 1988 is not creditable under any circumstances towards computation of or eligibility for retirement benefits under FERS.

- Although paid the same hourly rates as permanent employees, by law, temporaries paid under the General Schedule do not earn periodic step increases.
- They are eligible for annual and sick leave and paid holidays when employed on a regularly scheduled basis, but are excluded by law from eligibility for military leave.
- Because of the nature of their appointment, temporary employees are not entitled to procedural protections from adverse actions or reductions in force. As a condition of employment, they can be separated from employment with minimal notice and with no appeal rights.
- Temporaries cannot be promoted, transferred or reassigned to other positions and must compete with outside candidates for conversion to career appointment.

General Accounting Office (GAO) surveys of the private sector and Department of Labor surveys of temporary help supply firms indicate that Government practices generally parallel the private sector. Paid vacation and holidays are commonly available to private sector temporaries and are offered by about three-fourths of employers in the temporary help supply industry. By contrast, health benefits are offered by slightly less than one-fourth of temporary help supply agencies and a smaller percentage of other private employers, almost all of which require the temporary employees to pay all or part of the premiums. Private employers that offer insurance benefits to temporary workers are generally less restrictive than the Federal Government in granting ~~access~~ to those benefits—offering the opportunity to enroll in both health and life insurance programs to workers employed for at least 6 months.

Alternatives for Further Action

The report discusses a variety of options for changing the benefits available to non-permanent employees. Since the Government is not experiencing significant difficulty in recruiting or retaining temporary workers at the present time, the feasibility of extending rights and benefits is almost entirely an issue of cost and employee equity. Temporary employment levels vary significantly from agency to agency and the potential budget impact of benefit increases is considerably greater in some agencies than others.

The Office of Personnel Management believes that, beyond identifying a range of alternatives for benefits changes, it would be premature to forward specific recommendations and draft legislation until several other situations are resolved. In the next few months several actions will occur which will have a direct bearing on potential legislation. OPM will be exploring policy initiatives that could result in substantial changes in temporary and other non-permanent employment policies. The final shape of these initiatives will be determined in full consultation with Federal agencies, unions, and other interested parties.

At the same time, the Administration will be developing overall health care reform proposals. The specific issue of extending health benefits to temporary employees will need to be linked to these proposals. Once these issues are resolved, OPM will be pleased to work with the Congress on the specifics of any legislation that may be needed pertaining to temporary employees.

II. PURPOSE OF THIS REPORT

This report is submitted in fulfillment of Section 1078 of the National Defense Authorization Act for Fiscal Year 1993, P.L. 102-484, October 23, 1992.

Section 1078. STUDY AND REPORT REGARDING EQUITY IN BENEFITS FOR TEMPORARY FEDERAL EMPLOYEES.

(a) *In General.--The Office of Personnel Management shall conduct a study, and not later than April 1, 1993, report to Congress, in writing, on the feasibility of providing to temporary employees of the Government the same health insurance, life insurance, and retirement benefits, and other rights or benefits, as are generally available to those employed by the Government on a permanent basis.*

(b) *Matters to be specifically addressed.--The report under subsection (a) shall specifically address--*

(1) *the various types of temporary appointments currently allowable under civil service law or regulations, and the terms and conditions pertinent to each;*

(2) *the circumstances in which, or the purposes for which, each of the various types of temporary appointments is appropriate;*

(3) *the rights and benefits generally available to individuals employed by the Government on a permanent basis--*

(A) *which are currently unavailable to some or all temporary employees; and*

(B) *of those identified under subparagraph (A) which might appropriately be made available to one or more classes of temporary employees;*

(4) *alternative means by which some or all of the temporary employees referred to in paragraph (3) (A) could be afforded one or more of the rights or benefits identified under paragraph (3)(B); and whether any of the alternatives identified under paragraph (4) could be implemented by the Office under existing law, and, if so--*

(A) *when the Office intends to implement those measures ; or*

(B) *the reasons why the Office does not intend to implement those measures or cannot provide a timetable for their implementation.*

(c) *Recommendations.*

(1) *In addition to the results of the study, the Office's report shall include recommendations for any legislation or administrative action which the Office considers necessary to carry out the purposes of this section.*

(2) *Any recommendations which involves the amending of existing statutes shall include draft legislation.*

III. CURRENT TEMPORARY HIRING AUTHORITIES AND THEIR APPROPRIATE USE

Scope of Report

Temporary Federal employees serve under appointments limited to 1 year or less. In the competitive service, temporary limited employees are appointed for periods of up to 1 year, and their service can be extended for a maximum of 4 years. Temporary employees also serve in executive branch positions that have been excepted from the competitive hiring requirements by law, regulation, or administrative determination. In the excepted service, time limits for temporary employment vary and are generally tied to the duration of the specific situation for which the excepted appointing authority is authorized. Temporary employees are contrasted with permanent Federal employees (called career in the competitive service) who serve without time limitation.

Consistent with OPM's authority, this report covers temporary workers employed by executive branch agencies subject to the civil service laws in chapters 31 and 33 of title 5, United States Code. Among organizations excluded from these laws are the Postal Service and agencies in the legislative and judicial branches as well as the State Department which includes only a portion of its workforce in OPM's Central Personnel Data File. Also excluded from the report are private sector temporaries whose services are used under contract by Federal agencies. Federal agencies have the authority to contract for the services of private sector temporary help firms; but the private sector temporaries do not serve under Federal appointments and are not considered Federal workers for any purpose.

The data in this report are from OPM's Central Personnel Data File (CPDF)—an automated inventory of statistical and demographic information on the Federal workforce. Other sources used in the preparation of this report are listed in Appendix D.

Current Hiring Authorities

Depending on the circumstances, agencies may choose from among several major categories of temporary appointing authorities as summarized below.

Temporary limited appointment not to exceed 1 year (competitive service)	Authorized when need for employee is not expected to be permanent	May be extended up to a total of 4 years in the position. A position may not be filled with a temporary for more than 4 years on a continuous basis
Summer appointment (competitive service)	Authorized for any temporary position between May 12 and October 1	A summer employee may be rehired for subsequent summers
Time limited appointment (excepted service)	Authorized by statute or OPM regulation for specific conditions and/or specific agencies	Length of appointment specified in each individual appointing authority.

Appropriate Use

Temporary limited appointments are appropriate for meeting a range of staffing requirements when the agency expects there will be no permanent need for the employee. Agencies have basic authority to make this determination, but must document the reason for each temporary appointment in the employee's personnel file. The Federal Personnel Manual, Chapter 316, Subchapter 2, gives the following examples of appropriate use:

- temporarily increasing staff to meet a workload peak;
- staffing continuing positions when future funding and workload levels are uncertain or when it is anticipated that funding levels will be reduced or that the activity will be reorganized;
- filling permanent positions on a temporary basis in order to save them for eventual incumbency by permanent employees expected to be displaced from other parts of the organization;
- filling vacancies which occur in activities under study for possible contracting out;
- hiring temporary employees to perform recurring seasonal work which the agency expects to last less than 6 months in a year.

Inappropriate Use

Temporary appointments are intended to meet legitimate nonpermanent staffing needs, as determined by the agency, only when there is a reason to expect that there will be no permanent need for the employee. The use of temporary limited appointments for other reasons is inappropriate and is not authorized. The Federal Personnel Manual gives the following examples of inappropriate use:

- hiring temporary employees to avoid the costs of employee benefits or ceilings on permanent employment levels;
- using temporary employment as a "tryout" or trial period prior to permanent appointment (except where specifically authorized for severely disabled or mentally restored employees);
- circumventing the competitive examining process by appointing an individual on a temporary basis because that individual is not within reach for permanent appointment;
- refilling positions which, over the preceding 4 years, have been filled continuously on a temporary basis.

By definition, temporary employment is expected to last for a limited time, as contrasted with permanent or career employment which has no such limitation. Agencies are permitted to extend a temporary employee's service for a total of up to 4 years from the date of initial appointment. Continuous employment lasting longer than this is outside the normal scope and intent of temporary employment, except in rare and unusual cases.

Procedures for Hiring Temporary Employees

Most temporary employees are hired through streamlined procedures that allow each agency to conduct its own recruiting, ranking, and referral. This process is different than the normal OPM competitive hiring system but still requires the application of qualifications standards and veterans' preference.

When filling temporary jobs in the competitive service, agencies send vacancy announcements to OPM and State employment service offices. Agencies determine how long the announcements will remain open based on factors such as the urgency of the hiring need, the number of vacancies, and the availability of candidates in the labor market.

Candidates must meet the same basic qualification requirements as candidates for permanent appointment, i.e., they must have the experience and education required by OPM for the occupation and grade level. Agencies must apply veterans' preference in temporary hiring, but may use either formal numerical

ranking procedures or quality groups. The streamlined procedures are not permitted for white collar jobs at grades GS-13 and above; temporary appointments to those jobs are made through the OPM competitive hiring system.

Temporary jobs in the excepted service at all grades are filled under procedures developed by each agency. These procedures differ from those used to make competitive appointments in two ways. The agencies determine where and how to publicize the openings. The agencies also develop their own qualification requirements, which need not be the same as those prescribed by OPM for competitive service jobs. (These differences are not unique to temporary excepted service hiring but are a feature of the excepted service generally.)

Documentation Requirements

Special documentation of temporary appointments in the competitive service is required to inform employees that the conditions of temporary employment are different from the conditions of permanent employment. Current OPM guidance requires agencies to provide a statement describing the conditions of temporary employment, have the employee sign it at the time of initial appointment, and retain it in the employee's Official Personnel Folder.

When making a temporary appointment or extending the service of a temporary employee by noncompetitive conversion to a new temporary appointment, agencies are required to document the reason for the temporary appointment on the Notification of Personnel Action, Standard Form 50. The reason indicates why the agency expects that there will be no permanent need for the employee.

In addition, agencies must include the following standard remark on the Standard Form 50 at the time of initial temporary appointment and each time the employee's service is extended by conversion action:

"Temporary employees serve under appointments limited to 1 year or less and are subject to termination at any time without use of adverse action or reduction in force procedures. A temporary appointment does not confer eligibility to be promoted or reassigned to other positions, or the ability to be noncompetitively converted to a career-conditional appointment."

IV. RIGHTS AND BENEFITS AVAILABLE TO TEMPORARY FEDERAL WORKERS

Temporary employees in the Federal Government are eligible for many, but not all, the same entitlements that are available to permanent employees. Following are the major benefits available to temporary employees:

- Full salary based on the grade and step of the position;
- Annual pay adjustments;
- Entitlement to special pay schedule adjustments, such as special salary rates for positions for which it is difficult to recruit and retain qualified employees, interim geographic adjustments (IGA's), and special pay adjustments for law enforcement officers, where applicable;
- Use of "highest previous rate" in pay-setting determinations;
- Advances in pay for new hires;
- Fair Labor Standards Act (FLSA) coverage, including minimum wage and overtime pay entitlements;
- Eligibility for overtime and premium pay (e.g., night pay, Sunday pay, holiday premium pay, compensatory time off);
- Eligibility for hazard pay, remote worksite allowances, uniform allowances, student stipends, evacuation payments, and supervisory differentials;
- Back pay, including interest and attorney fees, if applicable;
- Annual leave, sick leave, excused absence (administrative leave), court leave, funeral leave, home leave, and shore leave; and
- Paid holidays (for employees with regularly scheduled tours of duty that fall on holidays).

V. RIGHTS AND BENEFITS NOT AVAILABLE TO TEMPORARY FEDERAL WORKERS

In identifying rights and benefits not available to temporary workers, we have tried to be as complete as possible and have included a number of areas, e.g., performance management, where entitlement differences between permanent and temporary employees are slight, or are at the discretion of the employee.

HEALTH INSURANCE

(1) **Federal Employees Health Benefits Program.** Permanent employees are entitled to enroll in the Federal Employees Health Benefits (FEHB) Program within 31 days of employment. The Government pays a contribution toward the cost of the coverage; the average Government contribution is about 72 percent of premium. Approximately 85 percent of permanent employees are enrolled in the FEHB Program. Nonpermanent employees whose appointments are initially made for more than 1 year, (i.e., term employees) are eligible to participate in the FEHB Program on the same basis as permanent employees.

Under current statute, temporary employees (serving under an appointment limited to 1 year or less) become eligible to enroll in the FEHB Program only after they have completed 1 year of current continuous employment, excluding any break in service of 5 days or less. Therefore, in order to elect health insurance coverage, they must either accumulate successive appointments or their initial appointment must be extended. These temporary employees do not receive a Government contribution toward the cost of their coverage.

In comparison, very few private sector employers offer temporary workers insurance benefits. Private employers who do offer insurance benefits to temporary workers usually do so after 6 months of employment. A 1987 survey by the Bureau of Labor Statistics (BLS) found that in the temporary help supply industry, health benefits were offered by slightly less than one-fourth of the establishments, almost all of which required the temporary employees to pay all or part of the premiums. (Only about 2 percent of the surveyed establishments provided major medical, hospitalization, and surgical coverage to temporary employees without requiring the employees to contribute, while 46 percent did so for permanent employees.) These findings are similar to those in a June 1986 report by the General Accounting Office which found that the prevailing practice in the private sector is not to offer health insurance to temporary workers (Appendix D).

A recent survey of the six largest temporary help services firms by Kelly Services showed little change in the pattern. All six offered vacation and health benefits to employees who worked a specified amount of time in a year, although the employees paid all or part of the health care premiums. Three offered limited life insurance coverage, providing relatively small maximum payments and/or restricting payments to death or disability incurred on the job.

Citation: 5 U.S.C. 8906a

RETIREMENT

(2) **Retirement Coverage.** The following discussion is limited to the new Federal Employees Retirement System (FERS). Since the older Civil Service Retirement System (CSRS) is essentially a closed system, temporary employees who acquire retirement coverage for the first time would be covered by FERS, not CSRS.

FERS is the second tier of a 3 tier retirement plan. The first tier is Social Security; the second tier is a defined benefit plan, FERS; and the third tier is a defined contribution plan, the Thrift Savings Plan (TSP). Social Security coverage is already almost universal for temporary employees, with only non-resident aliens excluded from coverage. Individuals serving under appointments limited to 1 year or less are generally excluded from retirement coverage under FERS, unless the temporary appointment directly follows other service covered by FERS. By statute, OPM is authorized to exclude from FERS an employee or group of employees in or under an Executive agency, the United States Postal Service, or the Postal Rate Commission, whose employment is temporary. By regulation, OPM excluded from FERS coverage employees serving under appointments limited to 1 year or less.

Citation: 5 U.S.C. 8402(c)(1); 5 CFR 842.105

(3) **Creditable Service for Retirement.** Civilian service covered by FERS differs from civilian service creditable for FERS. When service is covered under FERS, retirement deductions (0.8 percent of basic pay for most employees) are taken from the employee's pay, and the employing agency contributes the remainder of the cost (an additional 12.9 percent of basic pay for most employees) of providing the FERS benefits. Unless the individual takes a refund of the employee retirement deductions following a separation, covered service is creditable, without further payment, towards both eligibility for retirement and the computation of benefits.

Some civilian service, although not covered under FERS at the time it was performed, can become creditable towards eligibility for retirement and the computation of benefits. This non-covered, but creditable service is generally limited to civilian service performed prior to January 1, 1989, and service performed at any time while covered under the Civil Service Retirement System (CSRS) or creditable under the Foreign Service Pension System (FSPS). Before non-covered but creditable service may be used, however, the employee must make a deposit to the Retirement Fund, including an amount based on a percentage of basic pay received while in the non-covered service, plus interest. Civilian service performed after 1988 and not covered under FERS, CSRS, or FSPS is not creditable under FERS.

As a historical note, under CSRS, service under temporary appointments is also not covered. However, under CSRS, temporary service performed prior to covered service becomes creditable upon payment of a service credit deposit of 7 percent of basic pay plus interest. This has been viewed as an appropriate balance between employer and employee needs.

Citation: 5 U.S.C. 8334 and 8411; 5 C.F.R. 831.303 and 842.304

(4) **Thrift Savings Plan.** The Thrift Savings Plan (TSP) is available to employees covered under FERS. Temporary employees are not covered under FERS but like other individuals who are not covered under a retirement plan, they are generally permitted to make tax-deferred contributions to an Individual Retirement Account.

Citation: 5 U.S.C. 8432

LIFE INSURANCE

(5) **Federal Employees Group Life Insurance.** Permanent employees automatically receive basic coverage under the Federal Employees Group Life Insurance (FEGLI) Program unless they waive the coverage. They also have the opportunity to elect several types of optional coverage. The Government pays one-third of the cost of the basic coverage; there is no Government contribution toward the cost of the optional coverage. Nonpermanent employees whose appointments are for more than 1 year are eligible to participate in the FEGLI Program on the same basis as permanent employees. Temporary employees with less than a 1 year appointment are excluded from FEGLI coverage under current regulations.

Citation: 5 CFR 870.202

PAY

(6) **Within-grade increases.** A General Schedule employee paid at less than step 10 of a GS grade may advance to the next higher step of that grade provided 1) work performance is at an acceptable level of competence; 2) the employee has completed the required waiting period; and 3) the employee has not received an equivalent increase in pay during the waiting period. (An equivalent increase is an amount of basic pay equivalent to the dollar value of a step increase.)

By statute, eligibility for within-grade step advancement applies only to employees occupying a "permanent" position within the scope of the General Schedule. OPM regulations define a permanent position as a position filled by an employee whose appointment is not designated as temporary by law and does not have a definite time limitation of 1 year or less. A "permanent position" includes a position to which an employee is promoted on a temporary or term basis for at least 1 year.

Note: As opposed to GS employees, wage (blue collar) employees may receive within-grade increases regardless of their temporary status.

Citation: 5 U.S.C. 5335(a); 5 CFR 531.402(a) and 5 CFR 531.403

(7) **Physicians comparability allowance.** An agency may pay an allowance not to exceed \$14,000 per year (for creditable service of 24 months or less) or \$20,000 per year (for creditable service of more than 24 months) to Federal physicians in categories for which there are recruitment and retention problems. Physicians receiving such allowances enter into service agreements with their agencies. An employee appointed for less than 1 year is not eligible for a physicians comparability allowance because the statute requires each eligible employee to enter into a service agreement of at least 1 year.

Citation: 5 U.S.C. 5948(d)

(8) **Recruitment bonus.** An agency may pay a lump-sum bonus of up to 25 percent of basic pay to a newly-appointed employee who enters into a service agreement of at least 1 year and who is recruited for a position that would have been difficult to fill in the absence of the bonus.

By regulation, only employees newly appointed without time limitation or for a minimum period of 2 years or more may receive a recruitment bonus. Newly appointed also refers to a permanent appointment received within 1 year after termination of (1) employment in a cooperative work-study program under a Schedule B appointment, (2) employment under the Stay-in-School program, (3) employment as a law clerk trainee, or (4) employment while a student during school vacations under a short-term temporary appointing authority.

Citation: 5 U.S.C. 5753 and 5 CFR 575.103

(9) **Relocation bonus.** An agency may pay a lump-sum bonus of up to 25 percent of basic pay to an employee who must relocate to accept a position in a different commuting area and who enters into a service agreement. The position must have been difficult to fill in the absence of a bonus.

By regulation, only employees who are appointed without a break in service and without time limitation or for a minimum period of at least 2 years may receive a relocation bonus.

Citation: 5 U.S.C. 5753 and 5 CFR 575.203

(10) **Retention allowance.** An agency may pay an allowance of up to 25 percent of basic pay to an employee on a permanent appointment or appointed for a minimum period of at least 2 years when 1) the employee possesses unusually high or unique qualifications; or, 2) the agency has a special need for the employee's services, and the employee would otherwise leave the agency for nonFederal employment.

By regulation, only employees who are "serving under an appointment without time limitation or for a minimum period of at least 2 years" are eligible for retention allowances. In addition, a retention allowance may be paid only if the employee has completed 1 year of continuous service and is not completing a service agreement required for payment of a recruitment or relocation bonus.

Citation: 5 U.S.C. 5754; 5 CFR 575.303 and 575.304(a)

(11) **Grade and Pay Retention.** An employee who has served at least 52 consecutive weeks at a grade level is entitled to retain his or her grade for a 2-year period when placed in a lower graded job as a result of a reduction in force. In addition, grade retention applies whenever an employee's position is reclassified to a lower grade (when the position was classified at the higher grade for at least 1 year immediately before the reclassification action). An employee whose rate of basic pay otherwise would be reduced in certain other circumstances may be entitled to pay retention until his or her retained rate of basic pay falls within the rate range for the lower graded position.

By statute, grade and pay retention apply only to employees whose employment is other than on a temporary or term basis.

Citation: 5 U.S.C. 5361(1)

(12) **Severance Pay.** By statute, severance pay of up to 1 year's pay is paid to an involuntarily-separated employee who has been employed for a continuous period of at least 12 months.

Temporary employees are not eligible for severance pay unless the temporary appointment follows an appointment without a time limitation, and there was no break in service between appointments exceeding 3 calendar days.

Citation: 5 U.S.C. 5595(a)(2)(ii); 5 CFR 550.703

LEAVE

(13) **Family and Medical Leave.** The Family and Medical Leave Act of 1993 will become effective on August 5, 1993. Title II of the Act, "Leave for Civil Service Employees," provides a total of up to 12 administrative workweeks of unpaid leave for certain purposes during any 12-month period and guarantees restoration to a position with equivalent pay and benefits. Temporary employees are specifically excluded from coverage under this new statutory entitlement.

Citation: P.L. 103-3, February 5, 1993

(14) **Military Leave.** Fifteen calendar days of military leave per fiscal year are available to Reservists and National Guard members for active duty or active duty training. An additional 22 workdays of military leave are also available for Reservists and National Guard members activated in emergencies to assist civilian authorities. While on regular military leave (15 calendar days), employees receive the full pay for their civilian positions as well as their military pay. For periods of military leave during emergencies to assist civilian authorities (22 workdays), the civilian pay must be offset by the military pay received, unless the employee chooses to be in an annual leave status while on military duty.

By statute, military leave is limited to Federal employees who have permanent and "temporary indefinite" appointments (i.e., appointments of more than 1 year). Full-time and part-time employees (16 to 32 hours per week) with permanent, TAPER, or term appointments of 1 year or more are entitled to military leave, if otherwise eligible. Federal employees with temporary appointments of less than 1 year, with temporary appointments not to exceed 1 year, or with intermittent work schedules are not entitled to any military leave.

Citation: 5 U.S.C. 6323 (a) and (b); Comptroller General opinion B-173997, June 19, 1972

ELIGIBILITY FOR MOVEMENT TO OTHER POSITIONS

(15) **Promotion and Conversion to Career Appointment.** Permanent employees in the competitive service may be considered for other positions through agency internal merit staffing procedures. These employees do not have to compete with outside candidates. Permanent employees in the excepted service may be considered for other positions filled under the same excepted appointing authority. If the positions are filled under a different excepted appointing authority, the agency may elect to consider current and former excepted employees ahead of outside candidates.

Temporary employees are not eligible for movement to other positions. They must be considered through new appointment procedures, i.e., they must compete with outside candidates for movement to any other position, or for conversion to career appointment.

Citation: 5 CFR 335.102

PROTECTIONS IN ADVERSE ACTIONS, PERFORMANCE-BASED ACTIONS, AND REDUCTIONS IN FORCE

(16) **Adverse Actions.** An adverse action is a separation, reduction in pay or grade, suspension for more than 14 days, or a furlough for 30 days or less. Competitive service employees have different rights than excepted service employees.

a. Competitive Service:

Permanent employees have protection for performance-based actions and adverse actions upon completion of the 1-year probationary period required by 5 U.S.C. 3321. Such protections include procedural due process prior to any final agency decision and the right to third-party review of the appropriateness of the agency action.

Employees in the competitive service who hold temporary appointments limited to 1 year or less are excluded specifically by law from performance-based action protections and adverse action protections.

Citation: 5 U.S.C. 4303(f)(2) and 5 U.S.C. 7511(a)(1)(A)

b. Excepted Service:

Preference eligibles: Permanent employees in the excepted service have the same performance-based action and adverse action protections as permanent employees in the competitive service after 1 year of current continuous service if they are preference eligibles as defined in 5 U.S.C. 2108.

Temporary excepted service employees who are preference eligibles are covered under performance-based actions protections and adverse action protections once they have completed 1 year of current continuous service in the same or similar positions.

Citation: 5 U.S.C. 4303(f)(3) and 5 U.S.C. 7511(a)(1)(B)

Nonpreference eligibles: Permanent employees in the excepted service who are not preference eligibles have the same performance-based action and adverse action protections as permanent employees in the competitive service after 2 years of current continuous service in the same or similar positions.

Nonpreference eligibles in the excepted service who are serving in temporary appointments limited to 2 years or less are excluded specifically by statute from performance-based action and adverse action protections.

Citation: 5 U.S.C. 4303(e)(3) and 7511(a)(1)(C)(ii); 5 CFR 432.102(b)(14) and 5 CFR 752.401(b)(11)

(17) **Reduction in force.** Permanent employees are entitled to compete for retention based on their: (1) tenure group (group I for career and group II for career-conditional employees); (2) veterans' preference status; (3) performance; and (4) length of service. Employees have assignment rights to positions in their competitive area that are held by employees with lower retention standing. If reached for separation or downgrading, they are entitled to 60-day advance notice of the proposed action and may appeal the action to the Merit Systems Protection Board.

Temporary employees in the competitive service are not competing employees in a reduction in force (RIF). They may be separated at any time (with no requirement for 60-day advance notice) and have no assignment or appeal rights. Temporary employees in the excepted service are not competing employees for RIF purposes during their first year of employment. After 1 year of continuous employment, they become competing employees in tenure group III (the lowest group). Their assignment rights are extremely limited, however, because they compete for retention only with other employees within the competitive area who are serving under the same excepted appointing authority.

Citation: 5 U.S.C. 3502; CFR 351.501

(18) **Administrative grievance procedures.** Temporary employees are treated in the same way as other employees covered by their agency's administrative grievance procedure, except they may not grieve their separations on the dates specified as a condition of employment when their appointments were made and may grieve separation at any other times only if their agencies have exercised their discretion under OPM regulations to permit grievances over such matters.

Citation: 5 CFR Part 771

ADDITIONAL RIGHTS AND BENEFITS

(19) **Performance Management.** For the most part, temporary employees are treated no differently than permanent employees for performance management and award purposes. However, the law allows agencies to exempt from performance appraisal temporary employees with appointments of less than 1

year, with the employee's agreement. Implementing regulations require that the agreement be in writing and that the employee be advised of the consequences of the decision. Note: Prior to the passage of P.L. 101-510 on November 5, 1990, the only administrative exclusion from the performance appraisal requirements based on length of appointment was for employees in excepted positions where employment was not reasonably expected to exceed 120 calendar days in a consecutive 12-month period. P.L. 101-510, the National Defense Authorization Act for FY 1991, amended title 5 of the U.S. Code by adding 4301(2)(H).

Citation: 5 U.S.C. 4301(2)(H); 5 CFR 430.202(b)(2)

(20) **Quality Step Increases:** There is nothing in the regulations that addresses the use of quality step increases (QSI) for temporary employees. However, while there is no statutory or regulatory prohibition, FPM guidance in Supplement 990-2 advises against it. It cautions that the use of QSI's may not be appropriate for temporary employees since quality step increases are to be based on an expectation of future performance as well as being a reward for past performance. (The temporary status of an employee would appear to be incompatible with such an expectation.) In most cases, it would be more appropriate and beneficial to the agency and the employee to grant recognition in the form of lump-sum incentive awards.

Citation: FPM Supplement 990-2

(21) **Collective Bargaining Agreements:** Temporary employees may be included in the bargaining unit under certain conditions, as determined by the Federal Labor Relations Authority (FLRA). The FLRA has developed two tests, community of interest and reasonable expectation of continued employment.

1. Community of interest: Do the temporary employees share the same general supervision, work schedules, office conditions, etc., as other bargaining unit employees? Do they have regular/frequent contact with bargaining unit employees? Would inclusion promote effective operation of the activity?

2. Reasonable expectation of continued employment: Is temporary appointment clearly a prelude to permanent appointment? Does agency past practice support this?

Although collective bargaining agreements cannot give temporary employees rights they are denied by statute or regulation (e.g., appeal rights to MSPB or binding arbitration), some contracts do speak to certain aspects of temporary employment. Some examples:

To the extent allowed under Governmentwide rules, temporary employees can enroll in FEHB. Whenever possible, temporary employees will be given 2 weeks notice of intent to terminate; employee may ask for a meeting with a higher-level official.

The union will be given copies of vacancy announcements so they can inform temporary employees of job opportunities.

(22) **Payment of Travel and Transportation Expenses to First Post of Duty:** Agencies may pay travel and transportation expenses for appointees who are reporting to their first post of duty. Appointees whose expenses are paid must enter into a service agreement of at least 1 year.

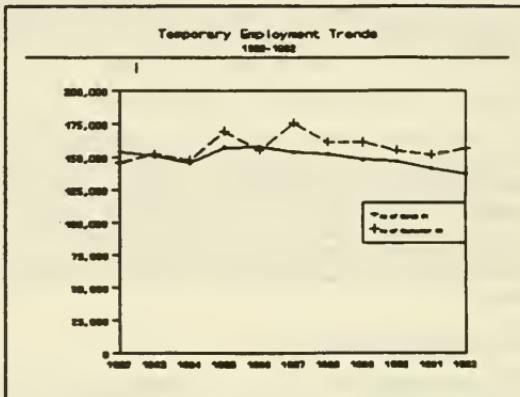
OPM advises agencies through the FPM that such payments are not to be made in connection with temporary employment, because a 1-year service agreement is incompatible with an appointment not to exceed 1 year, which may actually be terminated at any time.

Citation: 5 U.S.C. 5723, 5 CFR Part 572; 41 CFR chapters 301-304

VI. COMPOSITION OF THE TEMPORARY WORKFORCE BY AGENCY, DEMOGRAPHICS, AND OTHER CHARACTERISTICS

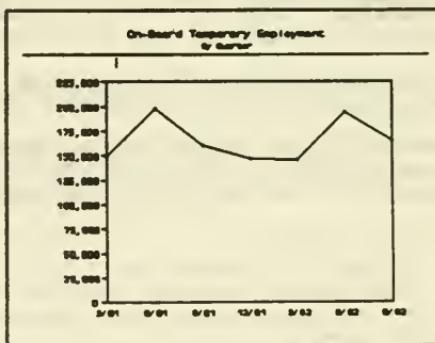
Temporary Employment Trends 1982-1992

As of September 1992, the Federal Government employed 7.2 percent of its workforce on a temporary basis—156,781 temporary employees out of a total of 2,191,000 nonpostal executive branch workers. Temporary employment in the Federal Government has remained relatively constant during the past 10 years as shown in the graph at right.



Seasonal Fluctuations

The number of temporaries on board varies from month to month because of seasonal fluctuations; summer employment program hires bring the temporary workforce to its peak during June, July, and August, each year.



Temporary vs. Permanent Employment

Temporary employment levels vary significantly among agencies as a percentage of their total workforce. Because temporary needs are short term and subject to frequent change, the number of temporary appointments made in a given year usually exceeds the volume of permanent hiring.

On-Board Temporary Employment and Hiring Activity By Major Agencies**

Agency	Number of Temporary Appointments and Conversions FY 91	Temporary Appointments and Conversions as Percent of All Appointments FY 91	Number of Temporaries on Board As of September 1992	On-Board Temporaries as Percent of All Employees
ALL AGENCIES	338,052	64%	156,781	7.2%
Agriculture	44627	84%	33522	24.2%
Commerce	18096	84%	3000	7.9%
DEFENSE TOTAL	117,477	65%	49,462	5.2%
Air Force	22441	67%	7766	3.8%
Army	57428	70%	17352	5.5%
Navy	21299	53%	9033	3.1%
Other Defense	16309	71%	15311	10.7%
Education	659	57%	241	4.6%
Energy	1874	48%	588	2.8%
EPA	2787	61%	1313	7.1%
GSA	2280	54%	784	3.8%
HHS	15533	60%	8034	6.2%
HUD	1925	58%	265	2.0%
Interior	29693	84%	15363	17.9%
Justice	7838	46%	3313	3.4%
Labor	1517	53%	368	2.1%
NASA	1665	42%	655	2.5%
OPM	387	26%	129	1.8%
Other Agencies	29481	79%	13949	12.3%
Transportation	3849	42%	1462	2.1%
Treasury	14417	37%	3637	2.2%
Veterans Affairs	43947	53%	20694	7.8%

**Competitive and Excepted Appointments. Note: Because of different programs used to produce data, the September 1992 figures in this chart differ very slightly from the September 1992 data presented in Appendix B.

Characteristics of Federal Temporary Employees

A demographic summary of the temporary workforce Governmentwide and in each of 22 major Federal agencies is contained in Appendix B. As compared to the permanent workforce, temporary employees are younger, lower graded, and have slightly less education. The average age for temporaries is 37; for nontemporaries, 43. Almost 23 percent of temporaries had a bachelors degree or higher as compared to 37 percent of nontemporaries.

The temporary workforce has a higher percentage of minorities and women. Overall, minorities comprise 33 percent and women 47 percent of the temporary workforce as compared to 27 percent and 43 percent of the nontemporary workforce. Blacks comprise 18.5 percent of the temporary workforce and 16.5 percent of the nontemporary workforce. Hispanics are 7 percent of the temporary workforce and 5.4 percent of the nontemporary. Asians/Pacific Islanders are 4.3 percent of the temporary workforce and 3.7 percent of nontemporary workforce. Native Americans are 3.5 percent of temporary workers and 1.8 percent of nontemporary.

The average grade is 4.8 for temporaries and 9.2 for nontemporaries.

Approximately 42 percent of temporary workers are in the competitive service and 58 percent in the excepted service. The balance is reversed in the permanent workforce where 83 percent are in the competitive service and 16 percent in the excepted service.

Less-than-full-time work schedules are more prevalent among temporary employees. Fifteen percent of temporaries work part-time (16-32 hours per week) and 27 percent work intermittently (no fixed work schedule) as compared to 2.9 percent and 2.1 percent of nontemporary workers.

Temporary employees work in a wide variety of white collar as well as blue collar jobs. Roughly 78 percent of temporaries hold white collar jobs and 22 percent hold blue collar jobs. In the nontemporary workforce, 84 percent are white collar and 16 percent blue collar.

**Distribution of White Collar Temporary On-Board Employment by Grade Grouping
As of September 1992**

Total White Collar	Percent White Collar Grade 1-4	Percent White Collar Grade 5-8	Percent White Collar Grade 9-12	Percent White Collar Grade 13-15	White Collar Grade Unspecified
123,259	40%	18.3%	6.3%	2.2%	33.2%

**Distribution of Blue Collar Temporary On-Board Employment
As of September 1992**

Total Blue Collar	General Services and Support	Warehousing	Transportation Equipment Operating	Food Preparation and Services	General Maintenance	Other Blue Collar
33,522	30.8%	13.2%	11.7%	6.9%	5.7%	32%

How Long Do Temporary Employees Work?

Key to any discussion of the eligibility of temporary workers for fringe benefits is the question of how long such employees actually work. Until fairly recently, no comprehensive information was available on individual temporary employees. However, beginning several years ago, OPM required agencies to code each competitive service temporary appointment to show whether the employee was on the first, second, third, or fourth year of continuous service at the time the action was taken. (A separate personnel action is required each time a temporary employee's service is extended.)

Of the 338,052 temporary appointments and extensions made during FY 1991, for which this data was available, 79 percent involved employees who had less than 1 year of current continuous temporary service; almost 13 percent were for employees who had completed 1 year but less than 2 years of temporary service. Just over 5 percent were for employees with more than 2 but less than 3 years of temporary service, and roughly 3 percent involved employees who had served at least 3 years.

Table 4 presents this data on a cumulative basis by the percentage of actions involving employees with less than 1 year of temporary service, less than 2 years, etc.

**Distribution of Temporary Competitive Service Appointments Made During FY 91
By Length of Appointment**

	Percent of Temporary Appointments and Extensions for Employees Serving Less than 1 Year	Percent of Temporary Appointments and Extensions for Employees Serving Less than 2 Years	Percent of Temporary Appointments and Extensions for Employees Serving Less than 4 Years	Percent of Temporary Appointments and Extensions for Employees Serving 4 or More Years
All Agencies	79	92	97	100

How Many Competitive Service Temporary Employees Work for More than 2 Years Continuously?

This data when broken out by agency shows significantly different patterns of use of temporary workers who have served more than 2 years on their current temporary appointment.

Agency	Number of FY 91 Competitive Service Temporary Appointments of Individuals Who Have Already Served at Least 2 Preceding Years	Temporary Appointments of Individuals Who Already Served at Least 2 Preceding Years as a Percentage of All Competitive Service Temporary Appointments
All Agencies	9,895	8.2%
Agriculture	600	7.1%
Commerce	201	7.9%
DEFENSE TOTAL	5,930	11.5%
Air Force	1,637	14.7%
Army	1,608	6.6%
Navy	1,560	14.7%
Other Defense	1,125	20.9%
Education	3	2.1%
Energy	8	1.5%
EPA	21	3.8%
GSA	83	8.1%
HHS	150	3.5%
HUD	33	2.3%
Interior	1,021	10.0%
Justice	288	11.0%
Labor	13	2.0%
NASA	19	5.7%
OPM	0	0
Other Agencies	169	6.7%
Transportation	116	6.1%
Treasury	304	2.7%
Veterans Affairs	936	4.5%

How Much Total Federal Service Have Temporaries Accumulated?

Central Personnel Data File records were also searched to determine the extent to which temporary employees had any prior Federal service beyond their present temporary appointment. Currently, the Central Personnel Data File can provide a cumulative figure of all prior Federal service for each employee which includes current and previous temporary appointments, career appointments, and military service. On this basis, it was determined that temporary employees working in Federal agencies during September 1992, had an average of 3.1 years of Federal service. No further breakout was possible to determine how much of this was military service but it was noted that agencies with higher average prior Federal service in their temporary workforce generally had a higher percentage of military veterans among their temporary employees.

Agency	Average Years of Service (Including Military) for Employees in Tenure Group 0 (Competitive and Excepted Service)*
ALL AGENCIES	3.1
Agriculture	2.3
Commerce	2.3
DEFENSE TOTAL	3.8
Air Force	3.6
Army	3.9
Navy	4.8
Other Defense	2.9
Energy	2.9
EPA	1.2
GSA	2.8
HHS	3.4
HUD	4.4
Interior	2.9
Justice	2.2
Labor	3.8
NASA	3.4
OPM	2.8
Other Agencies	2.3
Transportation	4.5
Treasury	2.3
Veterans Affairs	3.4

*Includes service under current and former Federal appointments and military service

VII. ALTERNATIVES FOR FURTHER ACTION

The Government is not experiencing significant difficulty in recruiting or retaining temporary workers at the present time. The feasibility of extending rights and benefits to temporary workers is thus almost entirely an issue of cost and employee equity.

OPM estimates that the additional cost of providing full benefits to temporary workers, except those employed on a strictly short term basis, would range upwards of \$800 million a year. This is based on an average of 157,700 temporary employees on board in Federal agencies in September of each year from 1982 to 1992. Since temporary employment levels vary significantly from agency to agency, the potential budget impact of benefit increases is significantly greater in some agencies than others.

Outlined below are a range of more limited options to effect changes and benefits of temporary workers in the most critical areas. These include actions which can be taken under existing law as well as more substantive changes which would require congressional action.

The Office of Personnel Management believes that, beyond identifying a range of alternatives, it would be premature to forward specific recommendations and draft legislation for changing benefits until several other situations are resolved. In the next few months several actions will occur which will have a direct bearing on the need for additional legislation. OPM will be exploring policy initiatives that could result in substantial changes in temporary and other nonpermanent employment policies described below. The final shape of these initiatives will be determined in full consultation with Federal agencies, unions, and other interested parties.

At the same time, the Administration will be developing overall health care reform proposals. The specific issue of extending health benefits to temporary employees will need to be linked to these proposals. Once these issues are resolved, OPM will be pleased to work with the Congress on the specifics of any legislation that may be needed pertaining to temporary employees.

A. Possible Actions that can be taken under existing law

1. Length of Temporary Appointments

Much of the concern expressed about temporary appointments has focused on situations in which employees had served almost continuously for many years with no benefits. Although OPM has taken action recently to prohibit temporary positions from being refilled after they have been encumbered for more than 4 years, additional concerns could be resolved by reducing the maximum length of temporary appointments.

Until 1985, temporary appointments in the competitive service were limited to 1 year, with a 1-year extension. In 1985, OPM made several policy changes based on a determination that agencies needed greater flexibility to respond to the uncertainties created by changes in mission requirements, budget and staffing authorizations. Agencies were permitted to make temporary appointments to any position when continued funding or ceiling was uncertain. Extensions were allowed for up to 4 years.

The use of temporary employees who serve for lengthy periods could be curtailed by reducing the maximum permissible length of temporary appointments to 2 years and by encouraging the use of term appointments for longer-lasting nonpermanent work. Term appointments are currently authorized for specified periods exceeding 1 year and lasting not more than 4 years on a calendar basis. As shown in Appendix A, employees under term appointments are entitled to most benefits including health insurance, FERS coverage, and within-grade increases, which are not currently available to temporaries. Reducing

the maximum permissible length of temporary appointments could be accomplished in several phases—to cover both competitive service temporary employment and excepted service temporary employment.

Estimated Cost: Approximately \$34 million to make the changes for competitive service temporary employment (Phase I) and an as yet undetermined amount to provide the same policies for the excepted service (Phase II). This figure assumes agencies convert all competitive service temporary employees with 2 or more years service to term appointments. Our estimate is based on approximately 5,000 employees with an average grade of GS 4.8—a figure equivalent to the number of competitive service temporary employees with more than 2 years of service who were on board in September 1992. The employees converted from temporary to term appointments would cost agencies: \$2,745 for FEHB, \$75 for FEGLI, 3 percent of salary for within-grade pay increases, 12.9 percent of salary for FERS, and at least 1 percent of salary for the Thrift Savings Plan (TSP cost could be as high as 5 percent depending upon the level of the employee's contribution). As shown in Appendix C, costs would vary across agencies depending upon the percentage of each agency's competitive service temporary employees who work more than 2 years. Costs would be partially offset, however, if use of term appointments reduced costs associated with turnover, i.e., costs for recruitment and training.

2. Eligibility for Movement to Other Positions

Nonpermanent employees lack the mobility and access to other employment opportunities that are available to career workers. Temporary employees cannot be promoted or reassigned to other positions, and both they and term employees are ineligible for direct movement to career appointments.

While we believe the mobility restrictions are appropriate for temporary workers, it may be desirable to allow longer-serving term employees who have completed specified amounts of service in nonpermanent positions, e.g., 2 to 3 years, to qualify for permanent jobs through agency merit promotion programs. This would give nonpermanent employees greater access to permanent employment opportunities and would provide agencies with an additional source of trained workers.

Estimated Costs: None. The jobs for which term employees would be considered would be those that agencies had already decided to fill on a permanent basis. Additional benefits would flow to term employees only if they were actually selected for one of those permanent positions.

B. Options for change which require congressional action

INSURANCE AND RETIREMENT BENEFITS

1. Health Benefits

Background: Currently, temporary employees (those with appointments of 1 year or less) are not eligible to enroll in the health benefits program unless they are reappointed and serve at least 1 year of continuous employment (excluding any breaks between appointments of 5 days or less). When temporary employees elect health benefits coverage, they pay the full premium; the Government does not contribute. The options for expanding health insurance coverage for temporary employees are to reduce or eliminate the "waiting" period for attaining eligibility and/or to provide Government contribution toward the premium under specified conditions.

Option: Retain the current policy, but provide a Government contribution once a temporary employee is eligible to enroll for health benefits. This change has significant impact on cost and related employment practices.

Cost: A self and family enrollment generates a biweekly Government contribution of up to \$139.60. Thus, some agencies which rely on significant numbers of temporary employees would have to do with fewer employees or seek augmented resources. The added cost could also curtail the extension of temporary appointments generating additional training costs as agencies seek to avoid the cost of health benefits.

Option: Shorten or eliminate the service period for health benefits eligibility for temporary employees whose appointment(s) exceed 180 days. A period shorter than that would provide coverage to individuals whose tenure is so short as to make carrier receipt of the necessary paperwork problematic. There could be two basic types of temporary appointments: not-to-exceed 180 days and not-to-exceed 1 year. Employees under a not-to-exceed 180-day appointment would be eligible to enroll only when they complete 180 days of current continuous service. They would meet this service requirement only if they were reappointed without a break in service of more than 5 days. By contrast, employees under a not-to-exceed 1-year appointment would be eligible to enroll within 31 days of employment. There would be no Government contribution for either type of temporary appointment.

Cost: None. Making health benefits coverage available without a Government contribution has no impact on the budget or agency costs.

Option: Provide a Government contribution for some class of temporaries. This option clearly has a cost impact; therefore, establishing an appropriate criterion is an issue. Since an accumulation of 5 years of temporary service is indicative of a significant commitment to Government service and of successful enough performance to warrant multiple appointments and/or extensions, this is a reasonable threshold for providing a Government contribution should it be desirable to do so.

Cost: The budget impact would be about \$180 million a year for 50,000 employees, and would have to be absorbed in agency operating budgets to avoid a "paygo" issue.

We will monitor the direction of the President's Task Force on Health Care Reform and defer specific recommendations for changes in FEHB rules until the Task Force makes its recommendations.

2. Life Insurance

Background: Temporary employees (those with an appointment of 1 year or less) are excluded from the life insurance program, even if they are reappointed and serve for more than 1 year.

Option: The options for provision of life insurance coverage basically parallel those for health benefits coverage. We would provide access to coverage, and a Government contribution, on the same basis as is adopted for health benefits.

3. Retirement

Background: As described in Section V, Rights and Benefits Not Currently Available to Temporary Federal Workers, under the Federal Employees Retirement System (FERS), OPM regulations exclude temporary employees (those with appointments of 1 year or less) from coverage under FERS. In addition, 5 U.S.C. 8411 precludes employees from obtaining service credit for service performed after 1988 that was not covered by FERS deductions or creditable under the Foreign Service Pension System.

Option: Extend retirement coverage to all employees serving under temporary appointments by repealing the current regulatory exclusion from FERS coverage. This would treat temporary employees like permanent employees.

Cost: When service is covered under FERS, retirement deductions (0.8 percent of basic pay for most employees) are taken from the employee's pay, and the employing agency contributes the remainder of the cost (an additional 12.9 percent of basic pay for most employees). Also, depending on the employee's level of Thrift Savings Plan participation, matching contributions are required, ranging from 1 to 5 percent of pay. If short term employees were covered under FERS, both employees and agencies would be required to make retirement contributions even though most short term employees would never be entitled to annuity benefits. The significant agency cost associated with this option could reduce employment opportunities for temporary employees.

Option: Extend FERS coverage to temporary employees after some threshold of accumulated service has been reached (e.g., 5 years). This option, while providing prospective coverage, would not address the noncredibility of prior excluded service.

Cost: Once the threshold has been reached, the same cost considerations and impact on hiring practices presented in the preceding option would apply.

Option: Allow credit for temporary service if the employee later receives a covered appointment and completes enough service, including the noncovered service, to qualify for an annuity, as under the current CSRS rules. As with CSRS nondeduction service, the employee would be required to pay an amount, plus interest, toward the cost of the service. Since FERS employees currently must pay 3 percent of military basic pay to obtain credit for military service, the same 3 percent amount would be an appropriate charge to purchase credit for civilian service. The amount due under this option would be paid by means of an actuarial reduction in the retiree's annuity. This method of "purchasing" credit reduces the administrative burden and limits the availability of this credit to employees who actually retire under the system.

Cost: The cost of this option would be funded largely through the actuarial reduction in annuities. However, because the 3 percent-plus-interest basis for that reduction does not cover the full cost of crediting this service, this option would also require a small increase in the amount—currently 12.9 percent of basic pay—that agencies must pay for FERS-covered employees. We estimate this would increase the cost of FERS to agencies by approximately 0.15 to 0.2 percent of basic pay. Increased budgetary outlays will be negligible and will not occur for at least 10 years.

Nonpermanent Appointments and Attendant Benefits

Type of Appointment	Retirement (FERS)	Social Security and Medicare	Thrift Savings	Life Insurance	Health Insurance
summer	no	yes	no	no	do
temporary limited: 1st year	no	yes	no	no	no
temporary limited: 2nd-4th years	no	yes	no	no	yes, with no Gov't contribution after 1 year of current continuous service with no break of more than 5 days
TAPER	yes	yes	yes	yes	yes
30-day emergency	no	yes	no	no	no
overseas limited NTE 1 year: 1st year	no	yes	no	no	no
overseas limited NTE 1 year: 2nd-4th years	no	yes	no	no	yes, with no Gov't contribution after 1 year of current continuous service with no break of more than 5 days
various excepted authorities NTE 1 year	no	yes	no	do	yes, with no Gov't contribution after 1 year of current continuous service with no break of more than 5 days
term	yes	yes	yes	yes	yes

Non-resident aliens are excluded from social security coverage by statute, regardless of the nature of appointment. Such individuals are also excluded from FERS coverage and TSP participation. Unemployment compensation is subject to State regulations.

Some temporary appointments are designated "provisional" because the temporary appointment was made with the expectation that the appointee will be converted to permanent status, i.e., the employee has already been selected for permanent appointment but the appointment cannot be made until licensure, security, or other regulatory requirements are satisfied. Individuals under provisional appointments are treated as if they were permanent employees for purposes of retirement, life and health insurance.

Nonpermanent Appointments and Attendant Benefits

Type of Appointment	MSPB Appeal: Removal	Negotiated Grievance Procedure: Removal	Agency Grievance Procedure: Removal	EEO Complaint: Removal
summer	no	no	not generally covered, but agencies have option to cover in their systems	yes
temporary limited: 1st-4th years	no	no	not generally covered, but agencies have option to cover in their systems	yes
TAPER	yes, but only after 1 year of current continuous service in same or similar position	yes, for all employees after 1 year of current continuous service in same or similar position	at agency option during employee's first year trial period; no, after first year when employee is entitled to appeal to MSPB	yes
emergency 30-day	no	no	not generally covered, but agencies have option to cover in their systems	yes
overseas limited NTE 1 year	no	no	not generally covered, but agencies have option to cover in their systems	yes
various excepted authorities NTE 1 year	yes, for preference eligibles after 1 year of current continuous service; for others, after 2 years of current continuous service.	yes, for preference eligibles after 1 year of current continuous service; for others, after 2 years of current continuous service.	at agency option during employee's first year trial period; no, after first year when employee is entitled to appeal to MSPB	yes
term	yes, but only after completion of trial period and not at expiration of appointment.	yes, but only after completion of trial period and not at expiration of appointment.	at agency option during employee's first year trial period; no, after first year when employee is entitled to appeal to MSPB	yes

Agencies rarely take actions less than removal for temporary employees.

Employees on overseas term appointments have same rights as other term employees.

Nonpermanent Appointments and Attendant Benefits

Type of Appointment	Sick and Annual Leave	Military Leave	Paid Holiday	Highest Previous Rate	Within-grade Increases	Physicians' Complainability Allowance	Recruitment Bonus	Relocation Bonus	Retention Allowance	Grade and Pay Increases	Severance Pay
summer	yes 1	no	yes 3	limited 4	no	no	no	no	no	no	no
temporary limited: 1st year	yes 1	no	yes 3	limited 4	no	limited 6	no	no	no	no	limited 10
temporary limited: 2nd-4th years	yes 1	no	yes 3	yes	no	yes	not applicable		yes 9	no	limited 10
TAPER	yes 1	yes 2	yes 3	yes	yes 5	yes	limited 7	limited 8	limited 9	no	limited 10
30-day emergency	yes	sick leave, no annual leave	no	yes 3	no	no	no	no	no	no	no
overseas limited NTE 1 year	yes 1	no	yes 3	limited 4	no 5	yes	no	no	no	no	limited 10
various excepted authorities NTE 1 year	yes 1	no	yes 3	limited 4	limited 5	limited 6	no	no	no	no	limited 10
term	yes 1	yes	yes 3	yes	yes 5	yes	yes 7	yes 8	yes 9	no	limited 10

Service under temporary appointment is creditable for leave accrual purposes retroactive to 1/1/89 (P.L. 102-378).

(See next page for footnotes 1-10.)

Footnotes

1. Sick and Annual Leave
 Employees under nonpermanent appointments earn annual leave only if they work for a 90-day continuous period and if they work under a regular schedule, part-time or full-time. Full-time employees earn annual leave and sick leave on a pro-rated basis; and intermittent (when-actually-employed or WAE) employees have no fixed work schedule and do not earn annual leave and sick leave. (Subchapter I of chapter 63 of title 5, United States Code)

2. Military Leave
 Full-time employees and part-time career employees (16-32 hours per week) serving under permanent, TAPER, or term appointments, or temporary appointments of 1 year or more, are entitled to military leave, if otherwise eligible. (TAPER employees meet the definition of "temporary indefinite" as used in the military leave statute because they are not permanent and have no fixed term.) Employees with temporary appointments of less than 1 year, with temporary appointments not to exceed 1 year, or with intermittent work schedules also are not entitled to military leave. (5 U.S.C. 6322; FPM Letter 630-30)

3. Paid Holiday
 Entitlement to pay for Federal holidays depends upon the employee's work schedule. Full-time employees are paid for Federal holidays; part-time employees are paid for holidays that occur on days they would normally be scheduled to work; and intermittent employees, who have no fixed work schedule, are not eligible to be paid for holidays on which they do not work. Intermittent employees are paid their regular pay for the hours they work on a holiday. (5 U.S.C. 6105)

4. Reduced Payroll Rate
 An employee with a temporary appointment limited to 90 days or less is not eligible for highest previous rate consideration based upon that appointment because, by regulation, the highest previous rate provisions do not apply to a temporary employee whose appointment is limited to 90 days or less. (5 CFR 531.203(d)(1))

5. Within-Grade Increases
 Employees who occupy a permanent position within the scope of the General Schedule are eligible for within-grade increases. OPM regulations define a "permanent position" as a position filled by an employee whose appointment is not designated as temporary by law and whose appointment does not have a definite time limitation of 1 year or less. Prevailing rate (wage) employees who occupy permanent and temporary positions are eligible for within-grade increases. (5 U.S.C. 5355(e); 5 CFR 531.402(e) and 5 CFR 532.417.)

6. Physicians' Comparability Allowance
 An employee appointed for less than 1 year is not eligible for a physician comparability allowance (PCA) because the statute requires each eligible employee to enter into a service agreement of at least 1 year. The intent of the PCA is to induce physicians to remain employed with the Federal Government. (5 U.S.C. 5946(g))

7. Recruitement Bonuses
 Only employees "newly appointed without time limitation or for a minimum period of at least 2 years" are eligible for a relocation bonus. Most TAPER employees would meet this criterion. Newly appointed also refers to a permanent appointment received within 1 year after termination of an (1) employment at a cooperative work-study program under a Schedule B appointment, (2) employment under the Stay-in-School program, (3) employment as a law clerk/trainee, or (4) employment while a student during school vacations under a short-term temporary appointing authority. (5 CFR 575.105)

8. Relocation Bonus
 Only employees who are "appointed without a break in service and without time limitation or for a minimum period of at least 2 years" may receive a relocation bonus. Most TAPER employees and many term employees with appointments for 2 years or more would meet this requirement. (5 CFR 575.203)

9. Retention Allowance
 Eligibility for retention allowances applies to employees who (1) have an appointment without a time limitation or for a minimum period of at least 2 years, (2) have completed 1 year of continuous service, and (3) are not competing service agreements required for payment of recruitment or relocation bonuses. (5 U.S.C. 5734; 5 CFR 575.303 and 5 CFR 575.304)

10. Severance Pay
 Temporary employees are entitled to severance pay if they (1) have been employed for a "continuous period of at least 12 months," and (2) are in an appointment which follows a previous appointment with no time limitation and where there was no break in service exceeding 3 calendar days between appointments. (5 U.S.C. 5595(e)(2)(ii))

Nonpermanent Appointments and Attendant Benefits

Type of Appointment	Transfer Relocation	Travel and Transportation to First Post of Duty	Promotion Reassignment	Detail to Other Positions	RIF Procedures	Special Conversion to Career
summer	no	no	no	yes, to positions appropriate for temporary	no	no
temporary limited: 1st year	no	no	no	yes, to positions appropriate for temporary	no	no
temporary limited: 2nd-4th years	no	no	no	yes, to positions appropriate for temporary	no	no
TAPER	no	at agency discretion	no	yes	yes, with 3 years service	
30-day emergency	no	no promotion, reassignment to position under same TAPER authority	no	no	no	no
overseas limited NTE 1 year	no	no	no	yes, to appropriate positions	no	no
various accepted authorities NTE 1 year	no	no	yes, to other term positions	yes, generally	no	no
term	no	at agency discretion		yes, to other term positions	yes	no

Some temporary appointments are designated "provisional" because the temporary appointment was made with the expectation that the appointee will be converted to permanent status, i.e., the employee has already been reached for permanent appointment but the appointment cannot be made until licensure, security, or other regulatory requirements are satisfied. Individuals under provisional appointments are in tenure group III for RIF. They may also be reimbursed for travel and transportation expenses.

Service under temporary appointment is creditable for RIF purposes retroactive to 1/1/89 (P.L. 102-378).

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(All Agencies Combined)

	Total*	Nontemporary*	Temporary*
Total Employment	2,191,546	2,034,469	157,077
<i>Demographic Characteristics</i>			
Average Age	42.6	43.0	36.9
Average Service	13.1	13.9	3.1
Retirement-Eligible (Under CSRS & FERS)	5.4	5.8	0.3
Education (Bachelors+)	35.9	36.9	22.8
<i>Gender</i>			
Male	56.6	56.8	53.1
Female	43.4	43.2	46.9
<i>Race & National Origin</i>			
Minorities	27.9	27.4	33.1
Blacks	16.7	16.5	18.5
Hispanics	5.5	5.4	6.7
Asians/Pacific Islanders	3.7	3.7	4.3
Native Americans	1.9	1.8	3.5
Handicapped	7.0	7.2	5.2
Veterans Preference	28.1	29.0	15.6
<i>Job Characteristics</i>			
Average Salary	\$ 34,875	\$ 35,853	\$ 22,047
Average GS Equiv. Grade	9.0	9.2	4.8
<i>Pay System</i>			
GS & Equivalent	77.4	79.1	55.6
Wage	16.1	15.7	21.1
Other Pay Systems**	6.5	5.2	23.3
<i>Work Schedule</i>			
Full-Time	92.9	95.6	57.7
Part-Time	3.8	2.9	15.1
Intermittent	3.4	2.1	27.2
<i>Occupation</i>			
White-Collar	83.6	84.0	78.5
Professional	22.3	22.8	15.6
Administrative	25.3	26.2	13.4
Technical	19.0	18.6	23.6

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(All Agencies Combined)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	14.8	14.1	22.9
Others	2.3	2.3	3.0
Blue-Collar	16.4	16.0	21.5
<i>Supervisory</i>			
Supervisors	10.5	11.2	0.7
Managers	2.1	2.2	0.4
Executives	0.4	0.4	0.2
<i>Service</i>			
Competitive	80.3	83.3	41.9
Excepted	19.3	16.3	58.1
<i>Geographics</i>			
USA only	96.0	96.3	91.8
D.C. Metro. only	14.8	15.1	11.0
<i>FEHB</i>			
Covered	72.8	77.9	6.2
Waived	16.5	17.0	10.1
Not Eligible	6.8	1.9	69.5
<i>Retirement</i>			
CSRS or FERS**	90.8	97.1	9.4
FICA	7.7	1.8	84.2
Foreign Service	0.6	0.6	0.0
No Retirement	0.8	0.3	6.4
Other Retirement	0.2	0.2	0.0
<i>FEGI</i>			
Waived	15.4	16.4	2.0
Basic	26.5	28.2	3.8
Basic + Other Optional	49.6	53.1	3.7

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Agriculture)

	Total*	Nontemporary*	Temporary*
Total Employment**	138,765	105,239	33,526
<i>Demographic Characteristics</i>			
Average Age	41.8	43.0	38.1
Average Service	11.5	14.4	2.3
Retirement-Eligible (Under CSRS & FERS)	4.6	6.1	0.0
Education (Bachelors+)	40.9	47.3	20.8
<i>Gender</i>			
Male	59.6	59.3	60.5
Female	40.4	40.7	39.5
<i>Race & National Origin</i>			
Minorities	18.4	16.5	24.1
Blacks	9.0	8.8	9.6
Hispanics	5.1	3.5	10.0
Asians/Pacific Islanders	1.8	1.9	1.7
Native Americans	2.4	2.3	2.9
Handicapped	6.7	7.4	4.6
Veterans Preference	17.6	20.6	8.1
<i>Job Characteristics</i>			
Average Salary	\$ 29,291	\$ 33,705	\$ 15,470
Average GS Equiv. Grade	8.0	8.9	4.2
<i>Pay System</i>			
GS & Equivalent	88.8	95.6	67.4
Wage	4.6	2.3	12.1
Other Pay Systems***	6.6	2.1	20.5
<i>Work Schedule</i>			
Full-Time	83.6	94.0	51.0
Part-Time	3.2	2.2	6.3
Intermittent	13.2	3.8	42.7
<i>Occupation</i>			
White-Collar	95.0	97.3	87.8
Professional	26.9	34.1	4.4
Administrative	17.1	16.2	19.9
Technical	38.8	33.9	54.3

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Agriculture)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	11.3	12.2	8.5
Others	0.8	0.8	0.7
Blue-Collar	5.0	2.7	12.2
<i>Supervisory</i>			
Supervisors	8.3	10.8	0.2
Managers	1.8	2.3	0.0
Executives	0.3	0.4	0.0
<i>Service</i>			
Competitive	75.3	93.6	17.8
Excepted	24.4	6.1	82.2
<i>Geographics</i>			
USA only	98.9	98.9	99.1
D.C. Metro. only	10.0	12.2	3.0
<i>FEHB</i>			
Covered	63.5	83.5	0.7
Waived	9.4	12.2	0.7
Not Eligible	25.7	2.6	98.3
<i>Retirement</i>			
CSRS or FERS**	74.0	97.4	0.6
FICA	20.4	1.5	79.7
Foreign Service	0.2	0.3	0.0
No Retirement	5.4	0.8	19.7
Other Retirement	0.0	0.0	0.0
<i>FEGI</i>			
Waived	10.3	13.5	0.1
Basic	20.4	26.9	0.3
Basic + Other Optional	43.2	56.8	0.2

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Commerce)

	Total*	Nontemporary*	Temporary*
Total Employment**	37,968	34,961	3,007
<i>Demographic Characteristics</i>			
Average Age	42.6	42.9	38.2
Average Service	13.0	13.9	2.3
Retirement-Eligible (Under CSRS & FERS)	6.7	7.3	0.3
Education (Bachelors+)	49.3	51.2	27.7
<i>Gender</i>			
Male	53.9	54.4	48.9
Female	46.1	45.6	51.1
<i>Race & National Origin</i>			
Minorities	23.8	23.9	22.7
Blacks	17.4	17.6	14.7
Hispanics	2.6	2.4	4.3
Asians/Pacific Islanders	3.5	3.5	3.0
Native Americans	0.5	0.4	0.7
Handicapped	4.7	4.6	6.1
Veterans Preference	19.2	19.7	13.7
<i>Job Characteristics</i>			
Average Salary	\$ 37,844	\$ 39,397	\$ 19,831
Average GS Equiv. Grade	9.2	9.6	4.6
<i>Pay System</i>			
GS & Equivalent	87.2	87.3	85.9
Wage	3.5	3.1	8.2
Other Pay Systems***	9.3	9.6	5.9
<i>Work Schedule</i>			
Full-Time	84.8	88.9	36.7
Part-Time	6.7	6.6	7.9
Intermittent	8.4	4.4	55.3
<i>Occupation</i>			
White-Collar	96.5	96.9	91.8
Professional	34.3	36.1	12.4
Administrative	18.8	19.9	5.5
Technical	18.2	18.3	17.2

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**There were 4 employees not identified as either temporary or nontemporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Commerce)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	24.4	21.8	54.4
Others	0.9	0.8	2.3
Blue-Collar	3.5	3.1	8.2
<i>Supervisory</i>			
Supervisors	10.9	11.7	1.1
Managers	2.5	2.7	0.3
Executives	1.2	1.3	0.2
<i>Service</i>			
Competitive	81.8	85.6	36.9
Excepted	17.0	13.1	62.8
<i>Geographics</i>			
USA only	99.2	99.2	99.9
D.C. Metro. only	54.6	57.4	21.3
<i>FEHB</i>			
Covered	73.3	79.3	3.1
Waived	14.3	15.2	3.5
Not Eligible	10.5	3.5	92.8
<i>Retirement</i>			
CSRS or FERS**	88.9	96.1	4.0
FICA	10.5	3.3	94.7
Foreign Service	0.5	0.5	0.0
No Retirement	0.1	0.0	1.3
Other Retirement	0.0	0.0	0.0
<i>FEGLI</i>			
Waived	18.9	20.4	1.1
Basic	30.0	32.5	1.8
Basic + Other Optional	40.1	43.5	1.1

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(DoD Total)

	Total*	Nontemporary*	Temporary*
Total Employment**	960,317	910,835	49,482
<i>Demographic Characteristics</i>			
Average Age	43.5	43.8	36.4
Average Service	14.2	14.8	3.7
Retirement-Eligible (Under CSRS & FERS)	5.9	6.3	0.3
Education (Bachelors+)	27.0	27.7	15.2
<i>Gender</i>			
Male	62.9	63.5	51.9
Female	37.1	36.5	48.1
<i>Race & National Origin</i>			
Minorities	25.8	25.2	37.8
Blacks	14.5	14.0	23.8
Hispanics	5.6	5.5	7.2
Asians/Pacific Islanders	4.7	4.7	5.6
Native Americans	0.9	0.9	1.2
Handicapped	8.5	8.6	6.1
Veterans Preference	8.2	8.4	4.5
<i>Job Characteristics</i>			
Average Salary	\$ 33,271	\$ 33,957	\$ 20,469
Average GS Equiv. Grade	8.9	9.0	4.6
<i>Pay System</i>			
GS & Equivalent	69.1	70.3	46.8
Wage	28.0	27.3	40.1
Other Pay Systems***	2.9	2.3	13.2
<i>Work Schedule</i>			
Full-Time	96.8	98.6	64.7
Part-Time	1.9	1.1	16.9
Intermittent	1.2	0.2	18.4
<i>Occupation</i>			
White-Collar	71.9	72.5	59.8
Professional	18.2	18.5	12.3
Administrative	21.0	21.9	4.3
Technical	16.4	16.7	11.0

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(DoD Total)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	14.1	13.3	28.7
Others	2.2	2.1	3.6
Blue-Collar	28.1	27.5	40.2
<i>Supervisory</i>			
Supervisors	1.8	1.8	0.8
Managers	1.5	1.6	0.1
Executives	0.2	0.2	0.0
<i>Service</i>			
Competitive	87.2	88.4	66.3
Excepted	12.6	11.5	33.6
<i>Geographics</i>			
USA only	94.6	95.4	79.0
D.C. Metro. only	9.0	9.1	6.6
<i>FEHB</i>			
Covered	74.3	78.2	3.1
Waived	18.0	17.9	20.7
Not Eligible	2.0	0.1	36.5
<i>Retirement</i>			
CSRS or FERS**	94.8	99.6	5.8
FICA	5.0	0.3	90.9
Foreign Service	0.0	0.0	0.0
No Retirement	0.2	0.1	3.2
Other Retirement	0.1	0.1	0.0
<i>FEGLI</i>			
Waived	13.2	13.8	1.2
Basic	25.8	27.1	2.1
Basic + Other Optional	55.7	58.6	2.6

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

	(Air Force)	Total*	Nontemporary*	Temporary*
Total Employment**	204,082	196,312	7,770	
<i>Demographic Characteristics</i>				
Average Age	43.7	44.0	36.5	
Average Service	14.8	15.2	3.6	
Retirement-Eligible (Under CSRS & FERS)	5.9	6.1	0.3	
Education (Bachelors+)	23.6	24.2	8.6	
<i>Gender</i>				
Male	65.8	66.0	58.8	
Female	34.2	34.0	41.2	
<i>Race & National Origin</i>				
Minorities	22.7	22.3	33.8	
Blacks	9.8	9.5	17.8	
Hispanics	9.2	9.2	10.4	
Asians/Pacific Islanders	2.6	2.5	4.4	
Native Americans	1.1	1.1	1.2	
Handicapped	10.5	10.6	7.1	
Veterans Preference	38.4	38.8	28.5	
<i>Job Characteristics</i>				
Average Salary	\$ 32,697	\$ 33,142	\$ 21,418	
Average GS Equiv. Grade	8.8	8.9	4.7	
<i>Pay System</i>				
GS & Equivalent	65.4	66.0	50.5	
Wage	33.8	33.4	42.6	
Other Pay Systems***	0.8	0.6	6.9	
<i>Work Schedule</i>				
Full-Time	98.6	99.3	79.0	
Part-Time	0.9	0.4	13.1	
Intermittent	0.4	0.1	7.8	
<i>Occupation</i>				
White - Collar	65.6	65.9	57.3	
Professional	13.0	13.3	5.3	
Administrative	21.2	21.9	4.6	
Technical	15.9	15.9	14.7	

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Air Force)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	13.4	12.8	27.1
Others	2.1	1.9	5.7
Blue-Collar	34.4	34.1	42.7
<i>Supervisory</i>			
Supervisors	11.6	12.0	1.5
Managers	2.0	2.1	0.2
Executives	0.1	0.1	0.1
<i>Service</i>			
Competitive	83.3	83.9	66.9
Excepted	16.7	16.0	33.1
<i>Geographics</i>			
USA only	96.9	97.4	84.8
D.C. Metro. only	2.8	2.7	6.5
<i>FEHB</i>			
Covered	75.8	78.6	3.1
Waived	18.5	18.4	21.8
Not Eligible	3.0	0.2	72.7
<i>Retirement</i>			
CSRS or FERS**	96.2	99.7	7.0
FICA	3.7	0.2	91.6
Foreign Service	0.0	0.0	0.0
No Retirement	0.1	0.0	1.3
Other Retirement	0.0	0.0	0.1
<i>FEGLI</i>			
Waived	12.7	13.2	1.4
Basic	22.2	23.0	2.4
Basic + Other Optional	61.3	63.6	3.6

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Army)

	Total*	Nontemporary*	Temporary*
Total Employment	317,613	300,259	17,354
<i>Demographic Characteristics</i>			
Average Age	43.7	44.1	36.5
Average Service	14.1	14.7	3.9
Retirement-Eligible (Under CSRS & FERS)	6.3	6.7	0.3
Education (Bachelors+)	27.2	28.0	13.8
<i>Gender</i>			
Male	60.6	60.9	54.3
Female	39.4	39.1	45.7
<i>Race & National Origin</i>			
Minorities	24.3	23.6	36.6
Blacks	14.9	14.3	25.7
Hispanics	5.3	5.2	6.3
Asians/Pacific Islanders	3.1	3.1	3.2
Native Americans	1.0	1.0	1.4
Handicapped	7.5	7.6	6.3
Veterans Preference	35.3	35.8	27.1
<i>Job Characteristics</i>			
Average Salary	\$ 32,566	\$ 33,245	\$ 20,690
Average GS Equiv. Grade	8.6	8.8	5.0
<i>Pay System</i>			
GS & Equivalent	76.2	77.4	55.7
Wage	23.3	22.4	38.1
Other Pay Systems**	0.5	0.2	6.2
<i>Work Schedule</i>			
Full-Time	97.5	98.7	76.1
Part-Time	1.7	1.1	13.7
Intermittent	0.8	0.3	10.1
<i>Occupation</i>			
White-Collar	76.7	77.6	62.2
Professional	17.6	18.2	7.5
Administrative	22.3	23.3	5.6
Technical	18.1	18.4	13.3

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992
(Army)**

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	16.4	15.6	30.9
Others	2.3	2.1	4.8
Blue-Collar	23.3	22.4	37.8
<i>Supervisory</i>			
Supervisors	11.5	12.2	0.8
Managers	1.5	1.5	0.1
Executives	0.1	0.1	0.0
<i>Service</i>			
Competitive	84.4	85.4	67.0
Excepted	15.5	14.5	33.0
<i>Geographics</i>			
USA only	93.8	94.2	86.0
D.C. Metro. only	8.3	8.5	5.2
<i>FEHB</i>			
Covered	71.7	75.7	2.5
Waived	18.4	18.2	22.3
Not Eligible	0.4	0.1	6.2
<i>Retirement</i>			
CSRS or FERS**	94.4	99.5	6.0
FICA	5.2	0.3	89.8
Foreign Service	0.0	0.0	0.0
No Retirement	0.3	0.1	4.2
Other Retirement	0.1	0.1	0.0
<i>FEGLI</i>			
Waived	13.4	14.1	1.6
Basic	25.0	26.3	2.1
Basic + Other Optional	55.9	59.0	2.3

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Navy)

	Total*	Nontemporary*	Temporary*
Total Employment**	294,909	285,875	9,034
<i>Demographic Characteristics</i>			
Average Age	43.3	43.4	37.7
Average Service	14.6	14.9	4.8
Retirement-Eligible (Under CSRS & FERS)	5.6	5.8	0.4
Education (Bachelors+)	26.6	27.2	9.8
<i>Gender</i>			
Male	69.4	69.2	75.0
Female	30.6	30.8	25.0
<i>Race & National Origin</i>			
Minorities	27.5	27.0	40.6
Blacks	14.3	14.1	23.2
Hispanics	3.9	3.8	6.1
Asians/Pacific Islanders	8.5	8.5	10.0
Native Americans	0.7	0.7	1.4
Handicapped	8.3	8.3	7.4
Veterans Preference	39.6	39.8	32.9
<i>Job Characteristics</i>			
Average Salary	\$ 35,104	\$ 35,439	\$ 24,398
Average GS Equiv. Grade	9.4	9.4	5.3
<i>Pay System</i>			
GS & Equivalent	64.5	65.6	31.6
Wage	32.5	31.4	64.8
Other Pay Systems***	3.0	3.0	3.6
<i>Work Schedule</i>			
Full-Time	99.0	99.4	87.2
Part-Time	0.6	0.5	3.2
Intermittent	0.4	0.1	9.6
<i>Occupation</i>			
White-Collar	67.5	68.5	35.2
Professional	19.4	19.8	4.6
Administrative	17.6	18.1	3.3
Technical	17.4	17.8	6.1

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Navy)

	Total*	NonTemporary*	Temporary*
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Job Characteristics (Cont'd.)

Clerical	10.2	10.0	17.4
Others	2.9	2.9	3.8
Blue-Collar	32.5	31.5	64.8
<i>Supervisory</i>			
Supervisors	11.2	11.5	0.6
Managers	1.3	1.4	0.1
Executives	0.1	0.2	0.0
<i>Service</i>			
Competitive	95.0	95.1	91.7
Excepted	4.8	4.7	8.3
<i>Geographics</i>			
USA only	97.2	97.2	94.7
D.C. Metro. only	11.9	12.1	6.4
<i>FEHB</i>			
Covered	79.7	82.0	6.6
Waived	16.0	15.8	25.1
Not Eligible	2.0	0.1	62.5
<i>Retirement</i>			
CSRS or FERS**	97.1	99.9	8.5
FICA	2.7	0.0	87.3
Foreign Service	0.0	0.0	0.0
No Retirement	0.2	0.1	4.2
Other Retirement	0.0	0.0	0.0
<i>FEGLI</i>			
Waived	13.7	14.1	0.9
Basic	28.4	29.2	3.0
Basic + Other Optional	55.0	56.6	4.6

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, NonTemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

	(Other Defense)	Total*	Nontemporary*	Temporary*
Total Employment**		143,713	128,389	15,324
<i>Demographic Characteristics</i>				
Average Age	43.1	44.0	36.0	
Average Service	12.8	14.0	2.9	
Retirement-Eligible (Under CSRS & FERS)	5.9	6.6	0.1	
Education (Bachelors+)	32.3	33.4	23.2	
<i>Gender</i>				
Male	50.8	53.1	32.0	
Female	49.2	46.9	68.0	
<i>Race & National Origin</i>				
Minorities	30.1	28.9	39.5	
Blacks	20.9	20.4	24.9	
Hispanics	4.9	4.6	7.2	
Asians/Pacific Islanders	3.5	3.1	6.5	
Native Americans	0.8	0.8	1.0	
Handicapped	8.0	8.4	4.7	
Veterans Preference	31.8	33.6	16.5	
<i>Job Characteristics</i>				
Average Salary	\$ 31,885	\$ 33,569	\$ 17,421	
Average GS Equiv. Grade	8.7	9.2	3.5	
<i>Pay System</i>				
GS & Equivalent	68.2	71.2	43.6	
Wage	20.9	20.2	26.6	
Other Pay Systems***	10.9	8.6	29.8	
<i>Work Schedule</i>				
Full-Time	88.6	95.4	31.3	
Part-Time	6.6	3.8	30.4	
Intermittent	4.7	0.7	38.3	
<i>Occupation</i>				
White-Collar	78.9	79.6	73.0	
Professional	24.5	24.4	25.9	
Administrative	24.6	27.1	3.1	
Technical	11.2	11.4	9.4	

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**
(Other Defense)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	17.7	15.9	33.6
Others	0.8	0.8	0.9
Blue-Collar	21.1	20.4	27.0
<i>Supervisory</i>			
Supervisors	9.6	10.7	0.5
Managers	1.3	1.5	0.2
Executives	0.4	0.4	0.1
<i>Service</i>			
Competitive	83.2	87.1	50.3
Excepted	16.5	12.5	49.6
<i>Geographics</i>			
USA only	87.8	91.2	58.9
D.C. Metro. only	13.2	13.8	8.3
<i>FEHB</i>			
Covered	66.9	0.2	1.8
Waived	20.5	21.0	15.8
Not Eligible	4.1	0.2	37.1
<i>Retirement</i>			
CSRS or FERS**	88.7	98.8	3.5
FICA	10.9	1.0	94.0
Foreign Service	0.0	0.0	0.0
No Retirement	0.3	0.1	2.5
Other Retirement	0.1	0.2	0.0
<i>FEGLI</i>			
Waived	12.3	13.7	0.7
Basic	27.7	30.8	1.4
Basic + Other Optional	48.6	54.2	1.3

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

	(Education)	Total*	Nontemporary*	Temporary*
Total Employment		5,272	5,027	245
<i>Demographic Characteristics</i>				
Average Age	43.6	44.2	30.7	
Average Service	14.1	14.7	1.5	
Retirement-Eligible (Under CSRS & FERS)	6.6	7.0	0.0	
Education (Bachelors+)	50.0	52.4	2.0	
<i>Gender</i>				
Male	39.9	40.1	35.9	
Female	60.1	59.9	64.1	
<i>Race & National Origin</i>				
Minorities	45.1	44.6	54.7	
Blacks	38.1	37.8	43.7	
Hispanics	3.6	3.6	4.9	
Asians/Pacific Islanders	2.6	2.4	5.7	
Native Americans	0.8	0.8	0.4	
Handicapped	5.9	6.2	0.0	
Veterans Preference	14.0	14.4	4.5	
<i>Job Characteristics</i>				
Average Salary	\$ 44,617	\$ 45,268	\$ 30,557	
Average GS Equiv. Grade	10.7	10.9	4.6	
<i>Pay System</i>				
GS & Equivalent	92.1	92.9	75.9	
Wage	0.2	0.2	0.0	
Other Pay Systems**	7.7	6.9	24.1	
<i>Work Schedule</i>				
Full-Time	94.3	95.7	66.9	
Part-Time	1.9	0.9	23.7	
Intermittent	3.7	3.4	9.4	
<i>Occupation</i>				
White-Collar	99.8	99.8	99.6	
Professional	29.2	30.5	3.7	
Administrative	47.4	47.7	40.8	
Technical	7.9	8.2	1.2	

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Education)

	Total*	Nontemporary*	Temporary*
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Job Characteristics (Cont'd.)

Clerical	15.1	13.4	51.4
Others	0.2	0.0	2.4
Blue-Collar	0.2	0.2	0.4
<i>Supervisory</i>			
Supervisors	11.4	12.0	0.0
Managers	2.7	2.7	2.0
Executives	2.0	2.0	1.6
<i>Service</i>			
Competitive	82.3	85.2	24.5
Excepted	16.0	13.1	73.9
<i>Geographics</i>			
USA only	99.7	99.7	99.2
D.C. Metro. only	70.3	70.1	74.3
<i>FEHB</i>			
Covered	77.5	81.0	4.5
Waived	13.9	14.4	2.9
Not Eligible	7.7	3.0	104.1
<i>Retirement</i>			
CSRS or FERS**	92.1	96.4	4.1
FICA	7.8	3.5	95.1
Foreign Service	0.0	0.0	0.0
No Retirement	0.1	0.1	0.8
Other Retirement	0.0	0.0	0.0
<i>FEGLI</i>			
Waived	21.5	22.6	0.4
Basic	32.4	33.9	2.9
Basic + Other Optional	38.1	40.0	0.8

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Energy)

	Total*	Nontemporary*	Temporary*
Total Employment	20,925	20,332	593
<i>Demographic Characteristics</i>			
Average Age	42.9	43.3	30.7
Average Service	14.5	14.5	2.9
Retirement-Eligible (Under CSRS & FERS)	5.5	5.6	0.3
Education (Bachelors+)	57.9	59.0	19.1
<i>Gender</i>			
Male	61.8	62.3	46.2
Female	38.2	37.7	53.8
<i>Race & National Origin</i>			
Minorities	20.6	20.0	40.1
Blacks	11.6	11.2	26.5
Hispanics	4.7	4.6	7.4
Asians/Pacific Islanders	3.1	3.0	4.6
Native Americans	1.2	1.2	1.7
Handicapped	4.7	4.6	6.2
Veterans Preference	26.3	26.8	11.6
<i>Job Characteristics</i>			
Average Salary	\$ 46,300	\$ 46,923	\$ 24,607
Average GS Equiv. Grade	10.9	11.1	4.1
<i>Pay System</i>			
GS & Equivalent	88.3	88.7	72.5
Wage	8.0	7.8	16.4
Other Pay Systems**	3.7	3.5	11.1
<i>Work Schedule</i>			
Full-Time	95.9	97.2	49.1
Part-Time	3.8	2.6	44.9
Intermittent	0.3	0.1	6.1
<i>Occupation</i>			
White-Collar	92.0	92.2	83.6
Professional	38.4	39.3	6.2
Administrative	30.1	30.7	10.6
Technical	6.9	7.1	3.2

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Energy)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	13.2	11.8	59.5
Others	3.4	3.3	4.0
Blue-Collar	8.0	7.8	16.4
<i>Supervisory</i>			
Supervisors	11.9	12.2	0.2
Managers	5.3	5.5	0.8
Executives	2.8	2.8	0.8
<i>Service</i>			
Competitive	90.0	91.4	40.6
Excepted	7.4	5.9	58.3
<i>Geographics</i>			
USA only	99.9	99.9	99.7
D.C. Metro. only	35.5	35.6	30.7
<i>FEHB</i>			
Covered	82.8	85.0	7.3
Waived	12.7	12.8	8.6
Not Eligible	2.5	0.3	76.1
<i>Retirement</i>			
CSRS or FERS**	96.9	99.5	7.8
FICA	3.0	0.5	88.7
Foreign Service	0.0	0.0	0.0
No Retirement	0.1	0.0	3.5
Other Retirement	0.0	0.0	0.0
<i>FEGLI</i>			
Waived	20.1	20.6	2.4
Basic	26.1	26.8	2.0
Basic + Other Optional	50.6	52.0	3.4

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992
(EPA)**

	Total*	Nontemporary*	Temporary*
Total Employment**	18,614	17,296	1,318
<i>Demographic Characteristics</i>			
Average Age	40.2	40.6	35.6
Average Service	11.4	12.2	1.2
Retirement-Eligible (Under CSRS & FERS)	3.8	4.0	0.0
Education (Bachelors+)	70.0	71.5	50.1
<i>Gender</i>			
Male	51.1	50.9	53.5
Female	48.9	49.1	46.5
<i>Race & National Origin</i>			
Minorities	26.5	25.1	45.6
Blacks	18.8	17.5	35.5
Hispanics	3.8	3.7	5.5
Asians/Pacific Islanders	3.6	3.5	4.1
Native Americans	0.3	0.3	0.5
Handicapped	3.8	3.9	2.7
Veterans Preference	11.7	12.5	1.8
<i>Job Characteristics</i>			
Average Salary	\$ 45,061	\$ 45,724	\$ 36,164
Average GS Equiv. Grade	10.9	11.2	4.3
<i>Pay System</i>			
GS & Equivalent	94.9	97.8	57.4
Wage	0.3	0.3	0.3
Other Pay Systems***	4.8	1.9	42.3
<i>Work Schedule</i>			
Full-Time	90.3	95.4	23.6
Part-Time	6.9	4.6	37.0
Intermittent	2.8	0.1	39.4
<i>Occupation</i>			
White-Collar	99.7	99.7	99.2
Professional	47.4	48.0	39.1
Administrative	31.5	33.2	10.2
Technical	5.7	5.9	4.0

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(EPA)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	13.9	11.6	43.2
Others	1.1	1.0	2.8
Blue-Collar	0.3	0.3	0.8
<i>Supervisory</i>			
Supervisors	12.1	13.0	0.1
Managers	3.0	3.2	0.5
Executives	1.6	1.7	0.4
<i>Service</i>			
Competitive	84.5	89.8	15.6
Excepted	13.9	8.6	83.5
<i>Geographics</i>			
USA only	99.9	99.9	99.7
D.C. Metro. only	34.8	33.0	58.3
<i>FEHB</i>			
Covered	78.1	83.9	2.3
Waived	14.3	15.1	3.7
Not Eligible	6.8	0.2	93.5
<i>Retirement</i>			
CSRS or FERS**	92.4	99.2	2.9
FICA	7.5	0.7	96.0
Foreign Service	0.0	0.0	0.0
No Retirement	0.1	0.0	1.1
Other Retirement	0.0	0.0	0.1
<i>FEGLI</i>			
Waived	25.1	27.0	0.9
Basic	32.0	34.3	1.4
Basic + Other Optional	35.3	38.0	0.8

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(GSA)

	Total*	Nontemporary*	Temporary*
Total Employment	20,632	19,847	785
<i>Demographic Characteristics</i>			
Average Age	43.4	43.4	28.4
Average Service	14.7	14.7	2.8
Retirement-Eligible (Under CSRS & FERS)	7.4	7.7	0.9
Education (Bachelors+)	28.4	29.3	5.6
<i>Gender</i>			
Male	57.8	58.5	39.7
Female	42.2	41.5	60.3
<i>Race & National Origin</i>			
Minorities	37.3	36.0	70.6
Blacks	28.9	28.1	49.8
Hispanics	4.6	4.3	12.5
Asians/Pacific Islanders	3.1	2.9	7.1
Native Americans	0.8	0.8	1.1
Handicapped	6.8	6.8	5.7
Veterans Preference	34.4	35.3	11.6
<i>Job Characteristics</i>			
Average Salary	\$ 35,558	\$ 36,272	\$ 17,222
Average GS Equiv. Grade	9.5	9.7	3.2
<i>Pay System</i>			
GS & Equivalent	75.4	75.9	62.2
Wage	23.4	23.4	24.6
Other Pay Systems**	1.2	0.8	13.2
<i>Work Schedule</i>			
Full-Time	96.0	98.5	32.6
Part-Time	3.7	1.3	62.2
Intermittent	0.3	0.2	5.2
<i>Occupation</i>			
White - Collar	76.6	76.6	75.4
Professional	14.6	15.1	0.8
Administrative	33.8	34.9	4.5
Technical	11.1	11.5	1.1

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(GSA)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	12.5	10.8	56.2
Others	4.7	4.3	12.9
Blue-Collar	23.4	23.4	24.6
<i>Supervisory</i>			
Supervisors	15.5	16.1	0.5
Managers	1.0	1.1	0.3
Executives	0.6	0.6	0.1
<i>Service</i>			
Competitive	92.2	94.5	33.1
Excepted	7.3	4.9	66.9
<i>Geographics</i>			
USA only	99.5	99.6	98.7
D.C. Metro. only	33.4	33.9	20.3
<i>FEHB</i>			
Covered	79.3	82.3	3.4
Waived	16.1	15.7	25.9
Not Eligible	2.5	0.1	61.4
<i>Retirement</i>			
CSRS or FERS**	96.1	99.8	2.8
FICA	3.8	0.2	95.7
Foreign Service	0.0	0.0	0.0
No Retirement	0.1	0.0	1.5
Other Retirement	0.0	0.0	0.0
<i>FEGLI</i>			
Waived	13.2	13.7	0.4
Basic	30.0	31.2	0.6
Basic + Other Optional	51.7	53.6	2.2

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Interior)

	Total*	Nontemporary*	Temporary*
Total Employment**	86,050	70,684	15,366
<i>Demographic Characteristics</i>			
Average Age	41.8	43.2	35.4
Average Service	12.2	14.3	2.9
Retirement-Eligible (Under CSRS & FERS)	4.7	5.7	0.1
Education (Bachelors+)	36.6	44.4	0.7
<i>Gender</i>			
Male	62.7	62.1	65.4
Female	37.3	37.9	34.6
<i>Race & National Origin</i>			
Minorities	27.0	27.6	23.9
Blacks	5.4	5.6	4.2
Hispanics	4.0	4.2	3.3
Asians/Pacific Islanders	1.3	1.3	1.0
Native Americans	16.3	16.5	15.4
Handicapped	4.9	5.2	3.7
Veterans Preference	23.8	25.2	17.4
<i>Job Characteristics</i>			
Average Salary	\$ 32,078	\$ 34,765	\$ 19,597
Average GS Equiv. Grade	8.5	9.2	4.7
<i>Pay System</i>			
GS & Equivalent	79.2	81.6	68.2
Wage	14.8	12.5	25.0
Other Pay Systems***	6.0	5.9	6.9
<i>Work Schedule</i>			
Full-Time	91.4	95.4	73.0
Part-Time	4.1	3.2	8.4
Intermittent	4.4	1.4	18.6
<i>Occupation</i>			
White-Collar	84.8	87.1	73.8
Professional	26.0	29.7	8.8
Administrative	20.4	22.4	10.8
Technical	24.6	20.7	42.7

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992
(Interior)**

	Total*	Nontemporary*	Temporary*
Job Characteristics (Cont'd.)			
Clerical	11.4	11.5	10.8
Others	2.4	2.8	0.7
Blue-Collar	15.2	12.9	26.2
Supervisory			
Supervisors	10.2	12.3	0.5
Managers	2.2	2.7	0.0
Executives	0.4	0.4	0.0
Service			
Competitive	80.8	88.2	46.9
Excepted	18.9	11.4	53.1
Geographics			
USA only	98.6	98.8	97.8
D.C. Metro. only	11.5	12.6	6.4
FEHB			
Covered	65.5	78.8	4.3
Waived	16.3	18.6	6.0
Not Eligible	17.0	1.4	88.6
Retirement			
CSRS or FERS**	81.7	98.1	6.4
FICA	17.6	1.3	92.7
Foreign Service	0.0	0.0	0.0
No Retirement	0.3	0.1	0.9
Other Retirement	0.4	0.5	0.0
FEGLI			
Waived	12.6	15.1	1.1
Basic	23.0	27.5	2.1
Basic + Other Optional	46.2	55.5	3.1

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**
(HHS)

	Total*	Nontemporary*	Temporary*
Total Employment**	129,497	121,495	8,061
<i>Demographic Characteristics</i>			
Average Age	42.9	43.4	36.2
Average Service	14.4	15.2	3.4
Retirement-Eligible (Under CSRS & FERS)	5.8	6.1	0.2
Education (Bachelors+)	42.0	42.0	42.2
<i>Gender</i>			
Male	34.9	34.3	44.2
Female	65.1	65.7	55.8
<i>Race & National Origin</i>			
Minorities	38.3	37.5	49.9
Blacks	22.9	22.7	25.1
Hispanics	4.8	4.8	4.9
Asians/Pacific Islanders	2.8	2.6	5.5
Native Americans	7.9	7.5	14.5
Handicapped	5.4	5.5	3.9
Veterans Preference	12.4	13.0	4.0
<i>Job Characteristics</i>			
Average Salary	\$ 35,974	\$ 36,580	\$ 26,798
Average GS Equiv. Grade	9.0	9.1	4.9
<i>Pay System</i>			
GS & Equivalent	91.1	93.4	57.1
Wage	3.0	2.8	5.6
Other Pay Systems***	5.9	3.8	37.4
<i>Work Schedule</i>			
Full-Time	92.1	95.0	48.7
Part-Time	4.9	4.2	16.6
Intermittent	2.9	0.8	34.7
<i>Occupation</i>			
White-Collar	97.0	97.2	94.4
Professional	20.5	19.4	36.0
Administrative	39.5	41.7	5.6
Technical	17.0	17.3	11.1

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**There were 53 employees not identified as either temporary or nontemporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**
(HHS)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	19.3	18.3	33.6
Others	0.8	0.3	8.1
Blue-Collar	3.0	2.8	5.6
<i>Supervisory</i>			
Supervisors	12.1	12.9	0.3
Managers	3.3	3.5	0.3
Executives	0.5	0.5	0.3
<i>Service</i>			
Competitive	88.1	92.1	27.8
Excepted	11.4	7.4	71.9
<i>Geographics</i>			
USA only	99.4	99.4	99.7
D.C. Metro. only	24.6	23.3	43.5
<i>FEHB</i>			
Covered	73.2	77.8	4.2
Waived	18.9	20.1	0.2
Not Eligible	7.9	2.1	95.6
<i>Retirement</i>			
CSRS or FERS**	92.0	97.8	4.9
FICA	7.3	1.6	93.4
Foreign Service	0.0	0.0	0.0
No Retirement	0.6	0.5	1.7
Other Retirement	0.0	0.0	0.0
<i>PEGI</i>			
Waived	18.6	19.7	1.2
Basic	28.4	30.2	2.0
Basic + Other Optional	45.5	48.4	2.0

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Labor)

	Total*	Nontemporary*	Temporary*
Total Employment**	17,573	17,205	368
<i>Demographic Characteristics</i>			
Average Age	43.9	44.2	32.0
Average Service	14.9	15.2	3.8
Retirement-Eligible (Under CSRS & FERS)	7.7	7.8	2.4
Education (Bachelors+)	53.9	54.4	33.7
<i>Gender</i>			
Male	52.5	52.8	41.6
Female	47.5	47.2	58.4
<i>Race & National Origin</i>			
Minorities	31.9	31.5	53.0
Blacks	23.9	23.5	40.5
Hispanics	5.2	5.2	4.9
Asians/Pacific Islanders	2.2	2.1	7.1
Native Americans	0.6	0.6	0.5
Handicapped	5.8	5.8	5.4
Veterans Preference	24.9	25.3	6.5
<i>Job Characteristics</i>			
Average Salary	\$ 42,293	\$ 42,568	\$24,599
Average GS Equiv. Grade	10.3	10.4	5.2
<i>Pay System</i>			
GS & Equivalent	97.8	98.2	81.0
Wage	0.3	0.3	2.2
Other Pay Systems***	1.9	1.5	16.8
<i>Work Schedule</i>			
Full-Time	95.7	96.4	61.1
Part-Time	4.1	3.6	28.3
Intermittent	0.2	0.0	10.6
<i>Occupation</i>			
White-Collar	99.7	99.7	97.8
Professional	22.6	22.9	9.8
Administrative	44.7	45.2	21.7
Technical	17.1	17.4	4.3

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Labor)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	14.7	13.9	51.4
Others	0.5	0.3	10.6
Blue-Collar	0.3	0.3	2.2
<i>Supervisory</i>			
Supervisors	13.8	14.1	0.5
Managers	2.5	2.5	0.3
Executives	1.0	1.0	0.0
<i>Service</i>			
Competitive	92.4	93.2	57.9
Excepted	6.6	5.9	42.1
<i>Geographics</i>			
USA only	99.7	99.7	100.0
D.C. Metro. only	34.6	34.3	48.9
<i>FEHB</i>			
Covered	83.1	84.7	7.6
Waived	13.4	13.2	25.8
Not Eligible	1.4	0.0	62.5
<i>Retirement</i>			
CSRS or FERS**	98.0	99.9	10.1
FICA	1.8	0.1	82.9
Foreign Service	0.0	0.0	0.0
No Retirement	0.2	0.0	7.1
Other Retirement	0.0	0.0	0.0
<i>FEGI</i>			
Waived	19.0	19.4	2.7
Basic	27.4	28.0	2.2
Basic + Other Optional	51.6	52.6	3.5

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992
(Justice)**

	Total*	Nontemporary*	Temporary*
Total Employment**	97,332	92,659	3,314
<i>Demographic Characteristics</i>			
Average Age	38.0	38.3	29.7
Average Service	10.8	11.2	2.2
Retirement-Eligible (Under CSRS & FERS)	1.9	1.9	0.3
Education (Bachelors+)	45.0	45.6	27.6
<i>Gender</i>			
Male	59.7	60.2	45.3
Female	40.3	39.8	54.7
<i>Race & National Origin</i>			
Minorities	29.5	29.1	42.2
Blacks	17.0	16.7	25.7
Hispanics	10.0	9.9	12.7
Asians/Pacific Islanders	1.9	1.9	3.3
Native Americans	0.5	0.5	0.5
Handicapped	2.7	2.7	2.4
Veterans Preference	19.7	20.2	6.0
<i>Job Characteristics</i>			
Average Salary	\$ 37,929	\$ 38,483	\$ 20,747
Average GS Equiv. Grade	9.4	9.5	4.9
<i>Pay System</i>			
GS & Equivalent	90.2	90.5	82.6
Wage	4.1	4.2	1.5
Other Pay Systems***	5.6	5.3	16.0
<i>Work Schedule</i>			
Full-Time	96.6	98.1	53.3
Part-Time	2.5	1.4	34.2
Intermittent	0.9	0.5	12.6
<i>Occupation</i>			
White-Collar	85.5	85.1	95.7
Professional	12.3	12.5	6.2
Administrative	40.8	41.5	20.8
Technical	13.6	14.0	4.0

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992
(Justice)**

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	14.0	12.7	50.0
Others	4.8	4.5	14.6
Blue-Collar	14.5	14.9	4.3
<i>Supervisory</i>			
Supervisors	13.0	13.5	0.5
Managers	2.3	2.4	0.1
Executives	0.6	0.6	0.0
<i>Service</i>			
Competitive	60.0	60.5	43.4
Excepted	39.5	38.9	56.5
<i>Geographics</i>			
USA only	82.6	82.0	97.6
D.C. Metro. only	22.8	22.6	29.8
<i>FEHB</i>			
Covered	82.7	85.4	5.3
Waived	10.1	10.1	10.7
Not Eligible	3.5	0.7	81.1
<i>Retirement</i>			
CSRS or FERS**	96.4	99.6	6.3
FICA	3.3	0.4	84.4
Foreign Service	0.0	0.0	0.0
No Retirement	0.3	0.0	9.3
Other Retirement	0.0	0.0	0.0
<i>FEGLI</i>			
Waived	25.7	26.5	1.6
Basic	24.9	25.7	2.6
Basic + Other Optional	45.7	47.2	2.1

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992
(NASA)**

	Total*	Nontemporary*	Temporary*
Total Employment	25,731	25,076	655
<i>Demographic Characteristics</i>			
Average Age	42.6	42.6	39.2
Average Service	15.8	16.1	3.4
Retirement-Eligible (Under CSRS & FERS)	10.3	10.6	0.0
Education (Bachelors+)	68.1	68.6	48.4
<i>Gender</i>			
Male	68.4	68.7	57.7
Female	31.6	31.3	42.3
<i>Race & National Origin</i>			
Minorities	17.7	17.1	38.9
Blacks	9.7	9.2	29.6
Hispanics	3.7	3.7	4.1
Asians/Pacific Islanders	3.8	3.7	5.0
Native Americans	0.5	0.5	0.2
Handicapped	4.9	5.0	3.5
Veterans Preference	20.3	20.7	7.9
<i>Job Characteristics</i>			
Average Salary	\$ 48,962	\$ 49,319	\$ 24,147
Average GS Equiv. Grade	11.5	11.6	3.5
<i>Pay System</i>			
GS & Equivalent	93.5	94.5	55.0
Wage	2.8	2.9	0.2
Other Pay Systems**	3.7	2.6	44.9
<i>Work Schedule</i>			
Full-Time	96.0	98.2	13.4
Part-Time	2.8	1.8	39.8
Intermittent	1.2	0.0	46.7
<i>Occupation</i>			
White-Collar	97.1	97.1	99.8
Professional	59.7	60.2	39.2
Administrative	15.1	15.3	9.9
Technical	10.4	10.6	1.7

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**
(NASA)

	Total*	Nontemporary*	Temporary*
Job Characteristics (Cont'd.)			
Clerical	10.1	9.1	47.9
Others	1.9	1.9	1.1
Blue - Collar	2.9	2.9	0.2
Supervisory			
Supervisors	10.9	11.2	0.0
Managers	3.8	3.9	0.2
Executives	2.2	2.3	0.0
Service			
Competitive	92.3	94.4	14.0
Excepted	5.4	3.3	86.0
Geographics			
USA only	100.0	100.0	100.0
D.C. Metro. only	23.8	23.0	55.6
FEHB			
Covered	82.3	84.4	2.0
Waived	11.6	11.8	5.3
Not Eligible	2.4	0.1	90.5
Retirement			
CSRS or FERS**	97.4	99.8	3.1
FICA	1.6	0.2	57.1
Foreign Service	0.0	0.0	0.0
No Retirement	1.0	0.0	39.8
Other Retirement	0.0	0.0	0.0
PEGI			
Waived	27.8	28.5	1.5
Basic	28.8	29.6	1.4
Basic + Other Optional	40.7	41.7	0.6

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**
(OPM)

	Total*	Nontemporary*	Temporary*
Total Employment	6,975	6,846	129
<i>Demographic Characteristics</i>			
Average Age	42.4	42.6	31.8
Average Service	11.6	11.8	2.8
Retirement-Eligible (Under CSRS & FERS)	6.1	6.2	0.0
Education (Bachelors+)	44.9	45.4	17.8
<i>Gender</i>			
Male	37.9	38.1	31.8
Female	62.1	61.9	68.2
<i>Race & National Origin</i>			
Minorities	31.8	31.1	68.2
Blacks	26.2	25.6	59.7
Hispanics	3.7	3.6	5.4
Asians/Pacific Islanders	1.4	1.4	3.1
Native Americans	0.4	0.4	0.0
Handicapped	5.8	5.8	4.7
Veterans Preference	17.2	17.4	8.5
<i>Job Characteristics</i>			
Average Salary	\$ 31,708	\$ 31,971	\$ 17,519
Average GS Equiv. Grade	9.4	8.1	3.2
<i>Pay System</i>			
GS & Equivalent	97.6	97.9	85.3
Wage	0.9	0.9	1.6
Other Pay Systems**	1.4	1.2	13.2
<i>Work Schedule</i>			
Full-Time	80.1	81.1	26.4
Part-Time	11.5	10.7	54.3
Intermittent	8.4	8.2	19.4
<i>Occupation</i>			
White-Collar	99.1	99.1	98.4
Professional	3.9	4.0	0.0
Administrative	47.5	48.3	5.4
Technical	10.2	10.1	15.5

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**
(OPM)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	36.6	35.8	76.0
Others	0.8	0.8	1.6
Blue-Collar	0.9	0.9	1.6
<i>Supervisory</i>			
Supervisors	8.4	8.5	0.0
Managers	3.2	3.3	0.0
Executives	0.9	0.9	0.0
<i>Service</i>			
Competitive	82.6	83.8	18.6
Excepted	16.4	15.2	81.4
<i>Geographics</i>			
USA only	99.6	99.6	99.2
D.C. Metro. only	41.1	41.1	38.0
<i>FEHB</i>			
Covered	69.9	71.2	0.8
Waived	16.4	16.1	31.8
Not Eligible	8.2	7.2	63.6
<i>Retirement</i>			
CSRS or FERS**	91.7	93.4	1.6
FICA	8.1	6.4	96.1
Foreign Service	0.0	0.0	0.0
No Retirement	0.2	0.2	2.3
Other Retirement	0.0	0.0	0.0
<i>FEGLI</i>			
Waived	15.2	15.5	0.0
Basic	32.1	32.7	0.8
Basic + Other Optional	42.8	43.6	0.8

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(SBA)

	Total*	Nontemporary†	Temporary*
Total Employment**	5,915	4,482	1,433
<i>Demographic Characteristics</i>			
Average Age	43.6	45.1	39.1
Average Service	11.3	14.4	1.4
Retirement—Eligible (Under CSRS & FERS)	7.2	9.4	0.2
Education (Bachelors+)	41.1	42.8	35.9
<i>Gender</i>			
Male	49.9	48.6	54.2
Female	50.1	51.4	45.8
<i>Race & National Origin</i>			
Minorities	35.3	33.4	41.2
Blacks	21.2	21.8	19.4
Hispanics	10.0	8.2	15.7
Asians/Pacific Islanders	3.4	2.7	5.4
Native Americans	0.6	0.6	0.7
Handicapped	5.5	5.6	5.1
Veterans Preference	22.0	25.2	11.9
<i>Job Characteristics</i>			
Average Salary	\$ 36,711	\$ 40,953	\$ 23,521
Average GS Equiv. Grade	9.4	10.1	7.0
<i>Pay System</i>			
GS & Equivalent	98.1	97.5	99.9
Wage	0.1	0.1	0.0
Other Pay Systems***	1.8	2.4	0.1
<i>Work Schedule</i>			
Full-Time	99.0	99.2	98.4
Part-Time	0.8	0.7	1.2
Intermittent	0.2	0.1	0.4
<i>Occupation</i>			
White-Collar	99.9	99.9	100.0
Professional	11.2	13.5	4.3
Administrative	56.7	56.2	57.9
Technical	13.9	15.2	10.1

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(SBA)

	Total*	Nontemporary†	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	18.0	15.0	27.6
Others	0.0	0.0	0.0
Blue-Collar	0.1	0.1	0.0
<i>Supervisory</i>			
Supervisors	10.5	13.8	0.2
Managers	3.6	4.7	0.0
Executives	1.0	1.4	0.0
<i>Service</i>			
Competitive	69.9	87.0	16.4
Excepted	29.1	11.7	83.6
<i>Geographics</i>			
USA only	97.8	98.3	96.5
D.C. Metro. only	17.7	22.3	3.4
<i>FEHB</i>			
Covered	62.6	82.0	2.0
Waived	10.3	13.2	1.1
Not Eligible	23.7	0.6	96.2
<i>Retirement</i>			
CSRS or FERS**	75.8	99.4	2.1
FICA	24.0	0.5	97.2
Foreign Service	0.0	0.0	0.0
No Retirement	0.3	0.1	0.7
Other Retirement	0.0	0.0	0.0
<i>FEGLI</i>			
Waived	12.3	16.0	0.5
Basic	23.0	30.1	0.6
Basic + Other Optional	40.6	53.2	1.4

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(State)

	Total*	Nontemporary*	Temporary*
Total Employment	16,948	14,921	2027.0
<i>Demographic Characteristics</i>			
Average Age	42.9	42.5	45.3
Average Service	13.8	14.3	10.0
Retirement-Eligible (Under CSRS & FERS)	2.3	2.5	0.3
Education (Bachelors+)	59.1	63.0	30.5
<i>Gender</i>			
Male	55.4	57.0	43.4
Female	44.6	43.0	56.6
<i>Race & National Origin</i>			
Minorities	23.4	23.9	19.6
Blacks	15.8	16.8	8.6
Hispanics	4.2	3.9	6.0
Asians/Pacific Islanders	3.0	2.8	4.5
Native Americans	0.4	0.4	0.5
<i>Handicapped</i>	3.0	2.9	3.1
<i>Veterans Preference</i>	19.6	19.4	21.2
<i>Job Characteristics</i>			
Average Salary	\$ 46,624	\$ 47,980	\$ 36,517
Average GS Equiv. Grade	10.5	10.8	8.3
<i>Pay System</i>			
GS & Equivalent	97.9	98.1	96.6
Wage	0.6	0.7	0.3
Other Pay Systems**	1.5	1.2	3.1
<i>Work Schedule</i>			
Full-Time	91.6	98.4	41.3
Part-Time	3.9	1.3	22.9
Intermittent	4.5	0.3	35.8
<i>Occupation</i>			
White-Collar	99.2	99.2	99.2
Professional	30.7	32.4	18.9
Administrative	36.6	38.6	22.1
Technical	11.0	12.3	2.0

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**
(State)

	Total*	Nontemporary*	Temporary*
<i>Job Characteristics (Cont'd.)</i>			
Clerical	20.8	16.0	56.1
Others	0.0	0.0	0.1
Blue-Collar	0.8	0.8	0.8
<i>Supervisory</i>			
Supervisors	7.1	8.0	1.0
Managers	6.6	7.4	0.7
Executives	0.9	1.0	0.5
<i>Service</i>			
Competitive	35.0	33.7	44.5
Excepted	64.2	65.4	55.0
<i>Geographics</i>			
USA only	60.3	61.4	52.2
D.C. Metro. only	55.0	55.4	51.5
<i>FEHB</i>			
Covered	77.0	87.2	1.9
Waived	11.0	12.3	1.6
Not Eligible	12.0	0.5	96.5
<i>Retirement</i>			
CSRS or FERS**	34.6	38.9	2.7
FICA	11.9	0.6	95.4
Foreign Service	52.7	59.8	0.2
No Retirement	0.2	0.0	1.7
Other Retirement	0.6	0.6	0.0
<i>FEGLI</i>			
Waived	16.3	18.5	0.4
Basic	31.8	36.0	1.2
Basic + Other Optional	39.6	44.9	1.0

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Transportation)

	Total*	Nontemporary*	Temporary*
Total Employment**	70,567	69,099	1,468
<i>Demographic Characteristics</i>			
Average Age	41.8	42.0	33.5
Average Service	15.1	15.3	4.5
Retirement-Eligible (Under CSRS & FERS)	6.8	6.9	1.2
Education (Bachelors+)	31.2	31.6	12.5
<i>Gender</i>			
Male	72.9	73.4	49.4
Female	27.1	26.6	50.6
<i>Race & National Origin</i>			
Minorities	19.3	18.8	40.8
Blacks	11.3	10.9	30.4
Hispanics	4.2	4.2	6.4
Asians/Pacific Islanders	2.4	2.4	2.7
Native Americans	1.4	1.4	1.3
Handicapped	5.4	5.4	5.0
Veterans Preference	38.4	38.8	19.4
<i>Job Characteristics</i>			
Average Salary	\$ 45,486	\$ 45,971	\$ 22,434
Average GS Equiv. Grade	11.4	11.5	5.2
<i>Pay System</i>			
GS & Equivalent	93.9	94.3	71.7
Wage	5.1	4.8	18.3
Other Pay Systems***	1.0	0.9	10.0
<i>Work Schedule</i>			
Full-Time	97.5	98.1	69.6
Part-Time	2.3	1.8	26.8
Intermittent	0.1	0.1	3.5
<i>Occupation</i>			
White-Collar	94.8	95.0	81.7
Professional	12.5	12.7	4.1
Administrative	56.1	57.1	9.5
Technical	17.6	17.7	11.6

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***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Transportation)

	Total*	Nontemporary*	Temporary*
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Job Characteristics (Cont'd.)

Clerical	7.8	7.0	44.8
Others	0.8	0.6	11.9
Blue-Collar	5.2	5.0	18.3
<i>Supervisory</i>			
Supervisors	13.8	14.1	0.5
Managers	1.8	1.8	0.4
Executives	0.6	0.6	0.4
<i>Service</i>			
Competitive	94.9	95.5	63.4
Excepted	4.5	3.9	36.1
<i>Geographics</i>			
USA only	99.1	99.1	99.3
D.C. Metro. only	15.0	14.9	21.9
<i>FEHB</i>			
Covered	85.5	87.3	4.6
Waived	11.4	11.3	17.2
Not Eligible	1.6	0.1	71.0
<i>Retirement</i>			
CSRS or FERS**	97.5	99.4	7.6
FICA	2.3	0.5	86.9
Foreign Service	0.0	0.0	0.0
No Retirement	0.2	0.1	5.4
Other Retirement	0.0	0.0	0.0
<i>FEGLI</i>			
Waived	11.3	11.5	1.6
Basic	21.5	21.9	2.9
Basic + Other Optional	64.8	66.1	2.5

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Treasury)

	Total*	nonTemporary*	Temporary*
Total Employment**	163,671	160,031	3,640
<i>Demographic Characteristics</i>			
Average Age	41.0	41.2	33.2
Average Service	12.2	12.2	2.3
Retirement-Eligible (Under CSRS & FERS)	4.3	4.4	0.1
Education (Bachelors+)	41.7	42.3	12.3
<i>Gender</i>			
Male	45.0	45.1	37.7
Female	55.0	54.9	62.3
<i>Race & National Origin</i>			
Minorities	31.7	31.0	60.6
Blacks	21.4	20.9	43.2
Hispanics	6.9	6.8	11.5
Asians/Pacific Islanders	2.8	2.7	5.2
Native Americans	0.6	0.6	0.7
Handicapped	5.7	5.8	5.3
Veterans Preference	17.4	17.6	8.6
<i>Job Characteristics</i>			
Average Salary	\$ 34,505	\$ 34,874	\$ 18,296
Average GS Equiv. Grade	11.4	8.9	3.6
<i>Pay System</i>			
GS & Equivalent	92.2	92.6	76.3
Wage	2.0	1.7	13.3
Other Pay Systems***	5.8	5.7	10.4
<i>Work Schedule</i>			
Full-Time	95.0	96.0	49.6
Part-Time	3.0	2.7	17.3
Intermittent	2.0	1.3	33.2
<i>Occupation</i>			
White-Collar	97.3	97.6	83.5
Professional	14.2	14.6	0.7
Administrative	36.4	37.0	9.8
Technical	23.3	23.8	3.4

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Treasury)

	Total*	nonTemporary*	Temporary*
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Job Characteristics (Cont'd.)

Clerical	22.0	21.0	66.3
Others	1.4	1.3	3.3
Blue-Collar	2.7	2.4	16.5
<i>Supervisory</i>			
Supervisors	9.2	9.4	0.6
Managers	2.0	2.1	0.1
Executives	0.4	0.4	0.1
<i>Service</i>			
Competitive	92.0	92.3	79.0
Excepted	7.7	7.4	20.9
<i>Geographics</i>			
USA only	99.1	99.1	99.3
D.C. Metro. only	14.9	14.8	16.3
<i>FEHB</i>			
Covered	75.3	76.9	3.9
Waived	18.5	18.7	8.7
Not Eligible	3.6	1.9	77.8
<i>Retirement</i>			
CSRS or FERS**	95.6	97.6	5.8
FICA	2.8	0.7	93.4
Foreign Service	0.0	0.0	0.0
No Retirement	0.0	0.0	0.8
Other Retirement	1.6	1.6	0.1
<i>FEGLI</i>			
Waived	20.7	21.2	1.0
Basic	29.0	29.6	1.0
Basic + Other Optional	46.1	47.1	0.9

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Veterans Affairs)

	Total*	Nontemporary*	Temporary*
Total Employment**	264,763	244,068	20,695
<i>Demographic Characteristics</i>			
Average Age	42.8	42.8	36.9
Average Service	10.7	10.7	3.4
Retirement-Eligible (Under CSRS & FERS)	5.1	5.5	1.0
Education (Bachelors+)	38.6	38.0	44.9
<i>Gender</i>			
Male	45.1	44.9	47.3
Female	54.9	55.1	52.7
<i>Race & National Origin</i>			
Minorities	33.7	33.5	36.8
Blacks	22.6	22.8	20.9
Hispanics	5.4	5.3	6.6
Asians/Pacific Islanders	5.0	4.7	8.5
Native Americans	0.7	0.7	0.9
Handicapped	8.3	8.5	6.7
Veterans Preference	26.2	27.1	15.5
<i>Job Characteristics</i>			
Average Salary	\$ 32,451	\$ 32,611	\$ 30,558
Average GS Equiv. Grade	7.4	7.4	5.7
<i>Pay System</i>			
GS & Equivalent	70.4	73.8	31.4
Wage	14.4	14.2	16.7
Other Pay Systems***	15.2	12.0	51.9
<i>Work Schedule</i>			
Full-Time	81.5	83.6	57.0
Part-Time	11.1	9.9	26.0
Intermittent	7.4	6.5	17.1
<i>Occupation</i>			
White-Collar	85.5	85.7	83.2
Professional	39.3	38.6	47.5
Administrative	6.9	7.4	1.7
Technical	24.1	24.6	18.3

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Veterans Affairs)

	Total*	Nontemporary*	Temporary*
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Job Characteristics (Cont'd.)

Clerical	13.8	14.0	11.6
Others	1.4	1.1	4.2
Blue-Collar	14.5	14.3	16.8
<i>Supervisory</i>			
Supervisors	7.5	8.0	1.4
Managers	2.3	2.5	0.4
Executives	0.1	0.1	0.0
<i>Service</i>			
Competitive	57.8	57.2	64.4
Excepted	42.1	42.2	41.1
<i>Geographics</i>			
USA only	98.9	98.8	99.2
D.C. Metro. only	2.4	2.5	1.9
<i>FEHB</i>			
Covered	68.1	71.5	28.2
Waived	20.0	20.7	12.6
Not Eligible	10.6	6.7	56.1
<i>Retirement</i>			
CSRS or FERS**	88.2	92.2	41.1
FICA	9.9	5.9	56.3
Foreign Service	0.0	0.0	0.0
No Retirement	1.9	1.9	2.6
Other Retirement	0.0	0.0	0.0
<i>FEGLI</i>			
Waived	13.6	14.0	8.3
Basic	31.6	32.7	18.4
Basic + Other Optional	44.0	46.4	15.7

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

(Other Agencies)

	Total*	nonTemporary*	Temporary*
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Job Characteristics (Cont'd.)

Clerical	15.4	14.9	19.7
Others	1.4	1.4	0.9
Blue-Collar	5.3	5.7	1.8
Supervisory			
Supervisors	11.0	12.1	1.9
Managers	4.6	4.8	3.0
Executives	0.5	0.4	1.8
Service			
Competitive	58.5	63.8	13.9
Excepted	40.3	35.0	85.5
Geographics			
USA only	96.4	96.5	95.9
D.C. Metro. only	47.3	50.0	24.2
FEHB			
Covered	58.3	64.7	4.3
Waived	12.5	13.5	3.8
Not Eligible	17.6	9.8	84.3
Retirement			
CSRS or FERS**	77.2	85.4	7.7
FICA	19.3	11.0	89.6
Foreign Service	3.0	3.3	0.1
No Retirement	0.5	0.2	2.7
Other Retirement	0.1	0.1	0.0
REGU			
Waived	23.3	25.6	3.3
Basic	23.5	26.0	2.3
Basic + Other Optional	33.0	36.7	2.3

Data Source

Central Personnel Data File (CPDF) as of September 1992

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**Personnel who separate with CSRS or FERS retirement coverage can return with the same coverage as temporaries with breaks in service of 3 days or less

**Selected Demographic and Job Characteristics of Personnel
in the Temporary, the nonTemporary, and the Total
Federal Civilian Workforces as of September 1992**

	(Other Agencies)	Total*	nonTemporary*	Temporary*
Total Employment**	104,031	80,793	10,965	
<i>Demographic Characteristics</i>				
Average Age	42.4	42.8	40.7	
Average Service	11.6	14.0	2.3	
Retirement-Eligible (Under CSRS & FERS)	4.9	5.4	0.4	
Education (Bachelors+)	50.7	52.6	34.5	
<i>Gender</i>				
Male	50.3	50.5	49.0	
Female	49.7	49.5	51.0	
<i>Race & National Origin</i>				
Minorities	32.7	33.3	27.4	
Blacks	25.1	26.1	16.6	
Hispanics	4.5	4.1	7.6	
Asians/Pacific Islanders	2.5	2.5	2.7	
Native Americans	0.5	0.5	0.6	
Handicapped	5.3	5.4	4.2	
Veterans Preference	17.9	18.8	10.2	
<i>Job Characteristics</i>				
Average Salary	\$ 42,302	\$ 44,235	\$ 30,573	
Average GS Equiv. Grade	7.4	7.4	7.4	
<i>Pay System</i>				
GS & Equivalent	69.5	72.4	44.4	
Wage	2.6	2.7	1.6	
Other Pay Systems***	27.9	24.8	54.0	
<i>Work Schedule</i>				
Full-Time	91.1	96.2	47.9	
Part-Time	2.2	1.8	5.8	
Intermittent	6.7	2.0	46.3	
<i>Occupation</i>				
White-Collar	94.7	94.3	98.2	
Professional	18.2	19.5	7.2	
Administrative	47.7	46.0	61.4	
Technical	12.1	12.5	9.0	

*Most entries (except for "Average" figures) are expressed as percentages of the respective base populations; i.e., Total, Nontemporary, Temporary

**There were 59 employees not identified as either temporary or nontemporary

***Administratively paid personnel, experts & consultants, Schedule A student aids, overseas teachers, etc.

Note: Base numbers used to calculate the "Handicapped" percentages include those employees who do not wish to have their handicaps identified.

APPENDIX C

Phase I (Competitive Service) Cost Projections By Agency

Agency	Total Number of Competitive Service Temporaries on Board in September 1992	Estimated Percentage of September 1992 Temporaries with More Than 2 Years Continuous Service	Number of September 1992 Temporaries with More Than 2 Years Continuous Service	Average Salary of Temporaries as of September 1992	Cost per Employee of FERS, TSP, FEHB, FEGLI, and WGI	Cost of FERS, TSP, FEHB, FEGLI and WGI for Competitive Service Temporaries with More Than 2 Years Continuous Service
ALL AGENCIES	64,808	8%	5,095	\$22,047	\$6,546	33,941,010
Agriculture	5,971	7%	418	\$15,470	\$5,434	2,271,412
Commerce	1,111	8%	.89	\$19,831	\$6,172	549,308
DEFENSE TOTAL	32,815	14%	4,456	\$20,469	\$6,312	28,126,627
Air Force	5,195	15%	779	\$21,418	\$6,440	5,016,760
Army	11,623	7%	814	\$20,690	\$6,317	5,142,038
Navy	8,284	15%	1,243	\$24,398	\$6,943	8,630,149
Other Defense	7,713	21%	1,620	\$17,421	\$5,764	9,337,680
Education	60	2%	1	\$30,557	\$7,984	7,984
Energy	241	2%	5	\$24,607	\$6,978	34,890
EPA	205	4%	8	\$36,164	\$8,932	71,456
GSA	260	8%	20	\$17,222	\$5,730	114,600
HHS	2,242	4%	90	\$26,798	\$7,349	661,410
HUD	234	2%	5	\$23,181	\$6,737	33,685
Interior	7,202	10%	720	\$19,597	\$6,132	4,415,040
Justice	1,439	11%	158	\$20,747	\$6,326	999,508
Labor	213	2%	4	\$24,599	\$6,977	27,908
NASA	92	6%	6	\$24,147	\$6,900	41,400
OPM	24	0	0	\$17,519	\$5,781	0
Other Agencies	1,522	7%	106	\$30,573	\$7,986	846,516
Transportation	931	6%	56	\$22,434	\$6,611	370,216
Treasury	2,877	3%	86	\$18,296	\$5,912	508,432
Veterans Affairs	7,369	5%	368	\$30,558	\$7,985	2,938,480

Costs are based on: 13.9 percent of salary for FERS and TSP; 3 percent for within-grade increases; \$2745 for FEHB; \$75 for FEGLI.

APPENDIX D**Sources of Information on Temporary Employment**

We relied on information from many sources in preparing this report and developing the options. Primary sources for our discussion of Federal temporary workers were:

GAO Reports

Federal Workforce: Views on Need to Offer Health Insurance to Temporary Employees, U.S. General Accounting Office (GAO), June 1986, GAO/GGD-86-78FS.

Federal Workforce: Use of Temporary Employees at Three Puget Sound Naval Installations, U.S. General Accounting Office (GAO), April 1988, GAO/GGD-88-76.

Federal Workforce: Temporary Appointments and Extensions in Selected Federal Agencies, U.S. General Accounting Office (GAO), February 1989, GAO/GGD-89-15.

Federal Workforce: Selected Sites Cannot Show Fair and Open Competition for Temporary Jobs, U.S. General Accounting Office (GAO), September 1990, GAO/GGD-90-106.

Benefit Practices for Permanent and Temporary Federal Employees: Report to the Honorable John Melcher, United States Senate, 1985.

Comparison of Federal and Private Sector Pay and Benefits: Report to Chairman, Subcommittee on Civil Service, Post Office and General Services, Committee on Governmental Affairs, United States Senate, 1985.

Federal workforce: Information on Employee Benefits. 1987

Merit Systems Protection Board

Expanded Authority for Temporary Appointments: A Look at Merit Issues, Merit Systems Protection Board, December 1987.

Other

Hearing before House Subcommittee on Human Resources, December 13, 1991.

Temporary Employment within Land Management Agencies of the Federal Government, OPM, July 1992.

Private Sector Temporary Employment

Industry Wage Survey: Temporary Help Supply, Bureau of Labor Statistics, U.S. Department of Labor, September 1987

Working at the Margins: Part-Time and Temporary Workers in the United States, 9 to 5, National Association of Working Women, September 1986

Excerpts from The Temporary Worker's Handbook, William Lewis and Nancy Schuman

How Long is Temporary? Kirk Victor, National Journal, July 1989

Employee Benefits in a Changing Economy: A BLS Chartbook, Bureau of Labor Statistics, September 1992

The Temping of America, TIME Magazine, March 29, 1993

The Contingent Economy: The growth of the Temporary, Part-time and Subcontracted Workforce, Richard Belous, National Planning Association, Washington, D.C., 1989.

Employee Benefits for Part-Timers. Barbara Eason and Diane S. Rothberg, Association of Part-time Professionals. McLean, VA. 1985

Employee Benefits in Europe, An International Study of State and Private Schemes in 16 Countries. David Callund, Gower Press Limited, Essex, Great Britain. 1975

A Study of State Government Employee Benefits. Robert J. Pruin, Assembly of Governmental Employees, Washington, DC. 1982

Study of Total Compensation in the Federal, State, and Local Sectors. Hay/Huggins Co. and Hay Management Consultants. Presented to the Committee on Post Office and Civil Service, U.S. House of Representatives. GPO, Washington, DC. 1984

Constructing an Employee Benefit Package for Part-Time Workers; A Rationale for Arriving at an Equitable Benefit Package at No Extra Cost to Employer. CATALYST, New York, NY. 1975

Working at the Margins: Part-time and Temporary Workers in the U.S. 9 to 5, National Association of Working Women, Cleveland, OH. 1986

APPENDIX E

The following individuals served on the OPM task force which studied the rights and benefits of temporary employees and prepared this report.

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Mr. McCLOSKEY. This meeting is adjourned.
[Whereupon, at 12:15 p.m., the subcommittee was adjourned.]

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